

Denise Bertrand

TESTIMONY OF DENISE BERTRAND (Freeman)

(Witness sworn.)

BY MR. FRASIER:

Q. Okay. First of all I need to advise you that even though you saw me do it -- there's a little recorder there, and we're recording the proceedings of today. All right?

A. Okay.

Q. And what I need you to do to make sure the recorder picks you up is speak loudly. And sometimes the air conditioner kicks in, and when that happens you need to speak a little more loud, okay?

A. Okay.

Q. First of all, could you tell us your name and where you live.

A. I am Denise Bertrand, and I live in Myrtle Point.

Q. And are you related, or were you related to Leah Freeman?

A. Yes.

Q. How were you related to her?

A. She was my sister.

Q. And what was your age difference?

A. Two years, one month, and one day.

Q. Were you the older or the younger?

A. Older.

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1 Q. So you, as the big sister, you had an opportunity
2 to see Leah in school and things along that line?

3 A. Oh, yeah.

4 Q. What was Leah like when she was in school? What
5 were the type of things that she involved in and that type of
6 thing?

7 A. She loved her friends. She loved sports. And
8 she loved finding the right balance of makeup to look
9 beautiful but not trashy. (Laughs.) Mostly her friends and
10 sports.

11 Q. She started high school in the fall of 1999?

12 A. Yes.

13 Q. And you were at the high school then too?

14 A. Yes.

15 Q. You would have been a junior at the time?

16 A. I was going into my junior year, yes.

17 Q. All right. Now, are you familiar with an
18 individual at the high school at that time named Nick
19 McGuffin?

20 A. Yes.

21 Q. Did you know him well?

22 A. Um, no, not -- not at -- at first. I, uh -- my
23 fresh, my -- yes, my freshman year, he was a sophomore and I
24 had a biology class that he was in. Um, I was ahead in
25 science, in school. And, uh, I had that class with him. I

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1 didn't really visit with him much.

2 And then, after they started dating, I knew him
3 obviously much better. I knew of him but not that much of
4 him.

5 Q. Okay. So it -- so we're clear, when your sister,
6 Leah started at her freshman year, in the fall of that year
7 that she started dating Nick McGuffin?

8 A. I bel -- I believe it was -- at late -- at just a
9 couple months into school, I believe. Yes.

10 Q. Now, uh. Did you have a chance to observe how
11 these two behaved while together there at the high school?

12 A. (Pause.) She -- I told her that I didn't -- I
13 didn't like her dating him.

14 Q. Why was that?

15 A. Because she was a freshman and he was a senior,
16 and seniors only want one thing from freshmans [sic]. And I
17 didn't want her taken advantage of.

18 And she insisted that she wasn't stupid, and that
19 she wanted me to be happy for her, and she was happy. But
20 she didn't always seem that happy, but most of the time she
21 seemed pretty happy.

22 But she didn't really have a lot of contact with
23 him in front of me because she didn't really -- she knew I
24 didn't like them being together.

25 Q. Okay. So you had talked with her about, you

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1 know, this is probably not a good idea, but she went ahead
2 and did it anyway?

3 A. I talked to both of them. (Laughs.)

4 Q. Okay. How did Nick react when you talked to him?

5 A. I think I startled him, really. Uh, when I found
6 out, it wasn't from either of them. It was from one of
7 Leah's friends I believe, in fact.

8 And, when you walk into the high school in
9 Coquille High School, in the front main door you've got your
10 office and your counselor office and stuff. Straight ahead
11 there is a bench area where you can go down the stairs and go
12 downstairs by the gym. A lot of the senior kids would hang
13 out there, especially like the jocks and stuff, in between
14 classes and before class.

15 And he was standing there. I actually grabbed
16 him and pushed him against the wall and said, "Don't hurt my
17 sister." He looked scared as hell. And, you know, with that
18 many people around, he didn't really say anything to
19 contradict me.

20 I was very angry that he was dating my sister.

21 Q. Did they ever argue? Did you ever see them
22 argue?

23 A. (Pause.) I don't know if I can -- it's been a
24 while. I don't know if I can necessarily specifically recall
25 a specific argument per se, but there was a few times where

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1 I'd hear her crying in her room. And I'd go and talk to her,
2 and she wouldn't want to talk a lot about it per se. But I
3 would just try and fix her hair for her, or do something, you
4 know, to try and cheer her up and let her know I was there.

5 I'm trying to recall. There was a couple times
6 when he'd drop her off, she'd slam the door and run in the
7 house, that kind of thing, but.

8 Q. Well, at some point in time, your mom tried to
9 put the stops onto this relationship.

10 A. Mm-hmm.

11 Q. Told them that -- told Leah that she couldn't see
12 him anymore; is that right?

13 A. Yes.

14 Q. And you found out that they were still
15 secretly --

16 A. Yes.

17 Q. -- seeing each other.

18 A. My mom's, uh, friend, slash, boyfriend (laughs),
19 whatever they decide to be today, um, had a house on -- still
20 does, actually -- on 5th Street, West 5th Street over here.
21 And her friend Cheri's house, um, is -- if you drive around,
22 is on this like gravel road really close to theirs. Or you
23 can walk through this grass field to get over there.

24 And, um, I went over there looking for Leah to
25 ask her something. When I tried to call, nobody answered.

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1 So I went over there and I knocked on the door and I knocked
2 on the door; I'm like, "Leah, I know you're here. Why aren't
3 you answering the door?"

4 And finally, um, she answered the door, and I'm
5 like, "What's going on?" And she had this, like, really
6 concerned look on her face. And I'm like, "What?" And she
7 started walking and so I followed her in. I'm not even for
8 sure what it was I was asking her or getting her -- something
9 like that.

10 But when I walked into the living room, Nick was
11 sitting in the living room at her friend Cheri's house. And
12 I'm like, "What are you -- Mom is going to be pissed."

13 And she just cried and begged me, "Don't tell
14 her, don't tell her."

15 Q. Okay. Your mom eventually backs down and lets
16 them see each other.

17 A. She didn't want to push Leah away, yeah.

18 Q. Yeah. Well, let's talk about June 28th, the day
19 Leah disappeared, okay?

20 A. Mm-hmm.

21 Q. Now, at that time you had been -- you were
22 working a couple of jobs; is that right?

23 A. Yes.

24 Q. One was at Hunter's Restaurant.

25 A. Mm-hmm.

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1 Q. And the other one was where?

2 A. Denny's Pizza.

3 Q. Okay. Now, the night before, had you worked late
4 on June 27th?

5 A. I worked -- yeah. I believe it was either 4:00
6 or five o'clock that you started shift, and they closed at
7 11:00. And you had a half hour, 45 minutes or so of clean-up
8 before you actually got out. And I worked there on the 27th
9 and on the 28th.

10 Q. Again, that's at Denny's Pizza?

11 A. Yes.

12 Q. Okay. And so you get home late, and you decided
13 on the 28th, "I'm sleeping in."

14 A. Yeah. (Laughs.) I was very tired.

15 Q. Okay. And at some point in time did Leah come
16 into your room and wake you up?

17 A. She -- well, I heard them -- I heard a bunch of
18 noise outside. We were at -- we stayed at my grandparents'
19 house. And above the back door, there's two windows.
20 There's a hallway upstairs, the upstairs hallway window, and
21 the window in the little room that I had that was right there
22 by the back.

23 And I -- you know, I could feel myself cranky,
24 and I got up and I looked out the window and they were -- her
25 and Nick were out there playing, cleaning his car. Because

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1 he had the seniors -- you know, you write on your windows
2 with the white stuff, whatever that is. And, uh, they were
3 trying to get that cleaned off, and they were goofing off,
4 and I laid back down.

5 And she had came up at one point and asked me if
6 I wanted to come out and help, and I told her I wanted to
7 sleep.

8 Q. Do you remember what Leah was wearing that day?

9 A. She was wearing --

10 Q. There's a picture of her there.

11 A. -- exactly what is on that picture, yes.

12 Q. At some point in time, she and Nick leave?

13 A. Yeah, it's the -- I'm not exactly sure when, but
14 yeah. They left.

15 Q. And you never saw Leah again after that?

16 A. No. The last time I talked to my sister, I was
17 telling her I didn't want to help with something.

18 Q. Well, let's talk later on in the evening.

19 And you're working at Denny's that night, right?

20 A. Yeah. (Clears throat.)

21 Q. And sometime after nine o'clock, does Nick show
22 up at Denny's?

23 A. He came in two or three times.

24 Q. Okay.

25 A. That night.

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1 Q. How's he acting when he comes in?

2 A. He almost looked pale, and sweaty, which is weird
3 to be that hot at nine o'clock at night.

4 Q. Okay.

5 A. He was -- and he was kind of in a hurry, and
6 frantic. And he just kind of ran in, in a kind of panicky
7 glaze, like asking me if I'd seen Leah or if I'd heard from
8 Leah. I said, "No, I thought she was with you or Cheri."

9 And he's like, "Well, she was, but I can't find
10 her."

11 And I'm like, "If I see her, I'll let her know
12 you're looking for her. And if you find her, let me know so
13 I know she's okay."

14 GRAND JUROR: She said, two or three -- two or
15 three times, or -- just some --

16 THE WITNESS: Ten years. You know --

17 GRAND JUROR: No, yeah. But obviously, more than
18 once?

19 THE WITNESS: But -- oh, yeah. It was at least
20 twice. It was two or three times.

21 GRAND JUROR: And --

22 THE WITNESS: I want to say three.

23 BY MR. FRASIER:

24 Q. And he's coming in; he's out of breath, he's
25 frantic, and you finally --

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1 A. Yeah.

2 Q. -- looking at some of the reports, I think you at
3 one point thought it felt strange because you didn't think it
4 was that big of a deal.

5 A. Well, yeah, because she -- and -- and when I said
6 it to him, I was calm, you know, because I thought, you know,
7 her and Cheri both and -- and their friend Melissa, you know,
8 would go jogging all the time.

9 Um, the -- we would call it the loop. You know,
10 when you go through the middle of Coquille on Central Street,
11 and all the way around and you come back to the highway and
12 go around, it's a three-mile, almost exactly, loop. And so
13 it was a good way for them to, you know, write down for their
14 exercise because they were pretty good at keeping up with
15 enough exercise, keeping toned for their sports. Keeping in
16 shape, diving, that kind of thing.

17 And, uh, she would jog it sometimes by herself,
18 sometimes with a friend, sometimes a couple of times a day.
19 I -- you know, I figured maybe her and Cheri had gone out for
20 a jog; I didn't see what the -- yeah.

21 Q. Now, one of the times that he comes back that
22 night, did you go outside to the car that he was driving? Do
23 you recall going outside Denny's and going to the car?

24 A. (Pause.) I don't know.

25 (Pause.) Right now, I can't say that I do

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1 remember that now.

2 Q. Okay. That's fine. Uh, you get off shift 11:30,
3 11:45; is that right?

4 A. Right.

5 Q. And you go home and go to bed?

6 A. Yeah. I -- I went home, and she wasn't -- I, I
7 believe I looked in her room and she wasn't there. And I
8 looked in my mom's room and it seems like my mom was asleep.
9 And as last I'd heard from my mom or her, one of the two,
10 that she was going to be spending the night with Cheri, so I
11 didn't -- you know. Being's he was looking for her, I
12 thought maybe I should check if she's not there, you know.
13 But then when she wasn't, I thought she was at Cheri's
14 (indiscernible).

15 GRAND JUROR: About what time would that have
16 been?

17 THE WITNESS: When you work at a pizza parlor,
18 sometimes you get tired of eating pizza all the time, so I
19 didn't always have dinner at the pizza parlor. So, I might
20 have got something to eat and drink before I went to bed, but
21 probably sometime between 11:45, 12:15.

22 GRAND JUROR: Thank you.

23 BY MR. FRASIER:

24 Q. Now, the next day, that would be June 29th, you
25 wake up; Leah's not home?

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1 A. Leah's not home.

2 Q. Mom's upset.

3 A. Very upset.

4 Q. She doesn't want Grandpa to know that Leah's
5 missing.

6 Nick shows up, and do you two go off in Nick's
7 car looking for Leah?

8 A. I don't think we went looking for her. I
9 think -- we might have. If anything, we probably would have
10 called Cheri's house, because that's where she was supposed
11 to be at. I don't remember driving around looking for her
12 that morning.

13 Q. Okay.

14 A. Um, I remember we went to the police station to
15 file a missing persons.

16 Q. This is Nick and you?

17 A. And my mom.

18 Q. Okay. What's Nick telling you during, you know,
19 that day and the next day about what happened to Leah? What
20 did he tell you, to the best of your recollection?

21 A. If I remember right, he said that he went over
22 there to Cheri's house and was trying to talk to her and she
23 got upset.

24 No, he went over there to see her, and Cheri and
25 her had got in an argument, I believe is what he told me.

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1 And she walked off from Cheri's house, and he went driving
2 looking for her and couldn't find her.

3 Q. Did he say anything about coming over to your
4 house, seeing a light in the window and throwing rocks at the
5 window, or anything like that?

6 A. I don't think he said anything that -- at that
7 moment. At some point, yes; I remember him saying, "I even
8 went to her bedroom window and was throwing rocks at her
9 window and she wasn't waking up so I knew she wasn't home."

10 Q. Okay.

11 A. Which is odd, because there was no rocks.

12 GRAND JUROR: This Cheri -- is it Cheri, is that
13 how you pronounce it?

14 THE WITNESS: I believe it's Cheri. Yeah, it's
15 Cheri.

16 GRAND JUROR: Did -- when you said they might
17 have had -- he'd said they -- they had an argument or
18 something, possibly?

19 Did anybody talk to her in that time frame about
20 the argument or anything, or what -- what -- at that -- at
21 that point?

22 THE WITNESS: I --

23 GRAND JUROR: Talk to her at all, I guess? Do
24 you know?

25 MR. FRASIER: She's our next witness.

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1 GRAND JUROR: Oh. Okay. Oh, that's -- oh, okay.

2 THE WITNESS: I was going to say I don't sure --
3 I heard from somebody. I don't think it was her, though.

4 GRAND JUROR: And Nick was the one that had said
5 that they --

6 THE WITNESS: Nick had said that her and Cheri
7 had gotten in an argument, because he went by there to go see
8 her and she wasn't there, and Cheri told her she left because
9 they had got in an argument.

10 GRAND JUROR: Okay.

11 THE WITNESS: At some point, some -- ah, I wish I
12 could -- I heard at some point from somewhere, not that that
13 gives you much, that she and -- Cheri and Leah had got in an
14 argument because she was trying to tell Leah that Nick had
15 been cheating on her and Leah didn't want to believe it. And
16 that's why she left.

17 GRAND JUROR: Okay.

18 THE WITNESS: But I don't recall exactly where
19 I'd heard that.

20 GRAND JUROR: Okay.

21 Sorry.

22 MR. FRASIER: Okay.

23 BY MR. FRASIER:

24 Q. In the next following days, do you -- are --
25 well, first of all, you were -- in the days following Leah's

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1 disappearance, you were supportive of Nick?

2 A. Oh, yes.

3 Q. Do you drive around with him?

4 A. Drive around with him in his car; drive around
5 with him in my mom's car; drive around with him in his
6 parents' car --

7 Q. Over the years, in retrospect, did you see things
8 at that time that caused you to think, "Gee, I wished I'd
9 have paid more attention to that now," or about anything he
10 did back then and his behavior?

11 A. He didn't -- if you're -- if you're looking for
12 something in particular when you're driving around, you know,
13 especially in a small town, you know a lot of people. You
14 stop and ask them, "Hey." Did -- you knock on their door, or
15 if they're outside ask them, "Did you -- did you see this
16 person or this thing," you know, whatever you're looking for
17 as you're driving around.

18 He never really stopped and asked anybody. You
19 know, that -- that always -- that strikes me as odd now, you
20 know. And as we're driving, I mean, I'm looking down
21 alleyways and in between houses, you know. You just --
22 probably desperate, I guess, to want to know where she's at
23 and that she's okay. He just seemed more focused straight
24 ahead, like we're just driving.

25 Q. Did he say things like, "I should have been there

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1 for her?"

2 A. Yeah, he made -- yeah, he made lots of comments.

3 And I made some, but I was like, "What? You know
4 you're her boyfriend, but I'm supposed to be her big sister,
5 if anybody should have been there for her."

6 Q. What about other girls? How did he, uh -- was he
7 starting to go out with other girls before even Leah's body
8 was found?

9 A. Since all of this, I have heard of a girl at Coos
10 Bay High School that he was trying to see, and the girl's
11 parents were very concerned about him. It struck him -- they
12 struck him -- he struck them as not okay. And, um, had the
13 school try and not allow him on the property.

14 Q. Okay.

15 A. I have heard of a girl in Myrtle Point that he
16 was dating be -- right before, and during everything with
17 Leah, that a lot of her friends and family, again, he -- they
18 did not like him. He struck them -- you know, as being --

19 Q. Okay. Well let's --

20 A. -- mean and controlling.

21 Q. Let's not worry about things you heard now.
22 Let's back up, maybe did you actually -- before Leah's body
23 was found, did you ever see him being with other girls, and
24 things along that line?

25 A. Before her body was found?

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1 Q. Yes.

2 A. (Pause.) I know that there was girls -- other,
3 you know, friends and stuff that were driving around --

4 Q. Okay.

5 A. -- looking with him too.

6 Q. Let's not worry about that then, okay? Let's
7 move on to something else.

8 Now, he told you that he had come by the house,
9 and that he saw a light in Leah's window, and he threw some
10 rocks at the window. And did you have problems with that
11 story?

12 A. A few. There's -- that -- we don't -- my
13 grandparents didn't have, like, a gravel driveway to, you
14 know, have rocks to throw up at the window, for starters.
15 They had a lawn; you know, green grass, and below her window
16 was tomato plants -- my grandpa's tomato pat -- plant patch,
17 where he grew tomatoes at. The driveway was concrete. I
18 mean, there was no rocks, so I wasn't sure about that aspect
19 of things.

20 Also, I don't know what light he could have seen.
21 She didn't -- there wasn't any -- there was no light on in
22 her room. I don't know what light he could have been seeing.

23 GRAND JUROR: Was there just an overhead light in
24 her room? Or did she have a --

25 THE WITNESS: She had an overhead light. She had

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1 a TV.

2 GRAND JUROR: But when you checked on her, when
3 you went there in and checked her room that night --

4 THE WITNESS: Nothing was on.

5 GRAND JUROR: -- nothing was on. Okay.

6 BY MR. FRASIER:

7 Q. Let's talk about -- it's been ten years now. How
8 has -- has Nick changed in how he deals with you or your mom?

9 A. I never see him.

10 Q. Okay.

11 A. (Pause.) His parents have this candle thing that
12 they make, and they had a booth at the fair one year. And
13 they seemed awkward the way -- you know, like they were
14 trying to be friendly but felt weird about being friendly,
15 but I did not see him. I think it's been probably four,
16 five, six years since I've seen him. And there was a lot of
17 distance that both of us kept from each other.

18 Q. One thing I want to ask you about -- this will be
19 about a week after Leah's disappeared, Nick had been over at
20 the police department and had been interviewed by the police
21 and he came over to your house, to your parents' house. How
22 did he behave when he got there?

23 A. Ill. (Laughs.) Ill. He was -- kept, like,
24 dry-heaving, and qwirking his entire body, and then finally
25 did throw up. It wasn't even -- part of it was my

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1 grandparents' driveway, another part of it was the neighbor's
2 side yard. Just vomiting. And then dry-heaving more, and
3 then vomiting. Couldn't stand up straight. Very awkward
4 behavior. Panicky again, like sweaty again. I didn't quite
5 understand all that. Why -- I don't know. That was -- it
6 was not normal.

7 MR. FRASIER: All right. I don't think I have
8 any more questions for you. Is there anything you think the
9 grand jury ought to know about this that I haven't asked you
10 about?

11 THE WITNESS: (Pause.) I don't think so.

12 MR. FRASIER: Okay.

13 Grand jury want to ask any questions?

14 GRAND JUROR: I've got one.

15 There may have been an exchange between your
16 grandfather and Nick's father, is that about him thinking
17 that, Nick had something to do with it. Do you know anything
18 about that?

19 THE WITNESS: If I remember right, my grandpa was
20 the first person to have doubt in him. None of us, at first,
21 wanted to believe that Nick would do something like that.
22 She cared about him a lot, and everybody of course wanted her
23 to be happy. Pretty close family.

24 And, uh, he's the first one, if I remember right,
25 that started in on something's not right about that boy. And

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1 he -- my grandpa was very distraught on top of already having
2 a lot of health problems to begin with.

3 Um, and one of the times that they came by, I do
4 believe my grandpa had a pretty good yelling match with Bruce
5 about his blanking son and how he's blanking wrong and I
6 don't want you and your blanking son around my blanking house
7 type-thing.

8 GRAND JUROR: Did their -- did your perception of
9 him or their perception of your family change after that
10 encounter? Does that -- because you said Nick has been very
11 distant. Was that the beginning of that distance, in your --

12 THE WITNESS: That, yeah. You know, after that,
13 uh, my mom and I and my grandma and aunts and uncles that
14 were around a lot definitely started getting more and more
15 doubt in him, and he just stopped fighting for her, you know.
16 He didn't -- he didn't continue to worry about her; he didn't
17 come -- he started coming around less, and when he did he was
18 more casual than he should have been and less worried and --
19 you just didn't see a lot of remorse on his face. Especially
20 after that incident, yes.

21 GRAND JUROR: And that was after the funeral? I
22 mean, sometime after the funeral -- that exchange between
23 your grandfather --

24 THE WITNESS: Yeah, I believe it was shortly
25 after that -- after the memorial, yeah.

Corey Bryant

1 MR. FRASIER: Thank you.

2 Grand jury have any questions? Okay.

3 THE WITNESS: Okay.

4 MR. FRASIER: Thank you.

5 THE WITNESS: Can I ask a question?

6 MR. FRASIER: Well, why don't we step outside
7 and --

8 THE WITNESS: I just want to understand about
9 grand jury time frame.

10 MR. FRASIER: Okay. Let me turn this thing off.

11 **TESTIMONY OF COREY BRYANT**

12 (Witness sworn.)

13 BY MR. FRASIER:

14 Q. First of all, before we get started, even though
15 it's kind of obvious, I have to advise you we have a tape
16 recorder going here. A digital recorder, and we're recording
17 these proceedings, okay?

18 A. Okay.

19 Q. First of all, could you tell us your name and
20 where you live.

21 A. My name is Corey Bryant, and I live in Fernley,
22 Nevada.

23 Q. And have you lived in Coquille in the past?

24 A. Yeah, I lived here from '99 to '01.

25 Q. Okay. Did you go to high school here?

Corey Bryant

1 A. Yes, sir.

2 Q. Did you graduate?

3 A. Yes, sir.

4 Q. You got tired of a state that wasn't warm?

5 A. Yeah.

6 Q. Okay. Um. One of the previous witnesses in here
7 was Cheri Mitchell. Are you familiar with Cheri?

8 A. Yes, sir.

9 Q. And how did you know Cheri?

10 A. Um, Cheri and I were really good friends in high
11 school. Um, we dated for quite a while. Um, kind of kept in
12 touch off and on over the years, but I live a long ways away.
13 So, not great friends like we used to be, but we were really
14 good friends in school.

15 Q. In the year 1999-2000, you're a student at the
16 high school at that time?

17 A. Yeah.

18 Q. Were you like a junior that year, that would have
19 been a junior year? If you graduated 2001, that would have
20 been your junior year?

21 A. Yeah.

22 Q. Okay. Were you familiar with or did you know a
23 person named Leah Freeman?

24 A. Yeah. She was Cheri's like best friend, so I saw
25 her a lot.

Corey Bryant

1 Q. Saw her a lot?

2 How about a guy named Nick McGuffin?

3 A. That was Leah's boyfriend.

4 Q. Okay. Did you -- while you were at the high
5 school, had you -- you indicated that they were girlfriend
6 and boyfriend?

7 A. Mm-hmm.

8 Q. Did you have an opportunity to observe their
9 relationship, how they got along?

10 A. Um, now and then, yeah. Um, not, obviously, all
11 the time. I mean, I was with Cheri most of the time. But,
12 um, Nick never really let Leah hang out with Cheri, um, which
13 was hard because they were like best friends.

14 Q. All right. Well, let's talk about the that day
15 Leah Freeman disappeared. That would be June 28, 2000.

16 Did you go over to Cheri Mitchell's house that
17 night?

18 A. Yeah, I did.

19 Q. Do you recall about what time it was?

20 A. Yeah, really easily. Um, I went in there at,
21 uh -- I went over to her house right about 8:30. Um, I had
22 to be at work at McKay's at 9:00. I was working graveyard at
23 McKay's grocery store. Um, so I got there about 8:30.

24 Q. What happened when you got there?

25 A. Um, Cheri was in the driveway, and she was pretty

Corey Bryant

1 upset because Leah and her had gotten into some kind of a --
2 and I wouldn't call it a dispute, but Leah was headed home,
3 um, and had left.

4 And she was upset because she was worried that,
5 uh, you know, there might be some feelings hurt or something
6 in between them.

7 And so I was just standing out there talking to
8 her in the driveway, and -- for about 10 minutes, maybe.

9 Q. Okay. Was Cheri crying?

10 A. Yeah, Cheri was upset.

11 Q. While you're there, does Nick McGuffin show up?

12 A. Yeah, he showed up about 15 minutes after I got
13 there. Um, he was coming to get Leah and, uh, pick her up.
14 And he got really unhappy with Cheri because Cheri said that
15 Leah had already left, and he was kind of like annoyed, and
16 like rolled his eyes and just took off in his car.

17 Q. Okay. Now, you had to go to work that night; is
18 that right?

19 A. Yeah.

20 Q. And so you left shortly there -- after Nick left?

21 A. Yeah, like, I think I waited until like 8:55
22 before I went to McKay's but it was only like two minutes
23 down the street, so.

24 Q. All right. Okay. Now, the next day, which would
25 be June 29th, did you see Nick that day?

Corey Bryant

1 A. I didn't see him that day, but I was at my house
2 with Cheri late that next afternoon, and Nick called.
3 Basically were wondering if we were hiding Leah because Leah
4 had never made it home or something. And they were talking
5 to Cheri; I didn't talk to him then.

6 Q. Okay. Was there ever a time when you were out at
7 a boat ramp where Nick --

8 A. That was about two days.

9 Q. Okay.

10 A. Two days after she has disappeared.

11 Q. Now tell us about the boat ramp.

12 A. Um, he had -- he had told Cheri that he swears
13 that Leah had wrote something on the bridge out by Sturdivant
14 Park, and, um, wanted to show Cheri and wanted Cheri to come
15 down there and everything. And it was just kind of odd, so I
16 went with her.

17 And we never fully comprehended what he was
18 trying to show us. He was trying to say that, look, she
19 wrote that, or something. And he was talking about some like
20 graffiti or something.

21 And, uh -- and we went on down the river to the
22 boat ramp, and it was just Cheri and I, and then he showed
23 back up. And he was in -- he was with, uh, Denise, Leah's
24 sister.

25 And they were like threatening us that, "Oh, if

Corey Bryant

1 you're hiding Leah," and they're all mad at us because, you
2 know, they're all -- they thought that Leah -- they're
3 basically accusing Leah of running away and like hiding at my
4 house or something. It was really weird.

5 And we were like, "We don't" -- you know, "We
6 don't know what you're talking about." And he was all --
7 excuse my language. I mean, he was pretty pissed off, it
8 seemed.

9 Q. Okay. Did he -- did they actually ask if they
10 could search your house?

11 A. Yeah. I told them, "Go ahead."

12 Q. Okay.

13 A. I ain't got nothing to hide.

14 Q. You weren't hiding Leah?

15 A. No.

16 Q. Didn't know where she was?

17 A. I wish I'd -- you know, I wish I had known where
18 she went.

19 Q. All right. After the boat ramp thing, do you see
20 Nick around town? Anything along that line?

21 A. Now and then, yeah.

22 Q. How was his behavior like during that time?

23 A. He could never look me in the eyes. I'd look at
24 him, and he'd always just look at the ground, like -- like
25 he's hiding something or wanted to say something but he just

Corey Bryant

1 couldn't. We never -- he could never look me in the eyes
2 (indiscernible).

3 Q. I know. You drove a long way from Nevada to be
4 here, and I appreciate your time, but I've kind of run out of
5 questions.

6 A. Uh-huh.

7 Q. Is there anything that I've forgotten to ask you
8 that you think we ought to know about?

9 A. There's one thing that I was -- that always
10 strikes me odd about it all, was this one time at the high
11 school Leah was showing Cheri a bunch of pictures of -- of
12 her and Nick. And, uh, it was like, just pictures that they
13 had taken around the house and outside and stuff, you know.
14 Cute couple pictures.

15 And Leah dropped them and they spread out on the
16 asphalt. And Nick freaked out and he started yelling at her,
17 "Why could you do that? How could you do that? I can't
18 believe you'd do that."

19 And it was just like -- it was like, "Dude,
20 chill." You know, "Relax."

21 And it just -- ever since then, I always sensed
22 like -- you know, obviously I saw the temper. And I never
23 really -- never really trusted him after that because he
24 just -- he just seemed like he had lots of deep anger or
25 something. I don't know how to describe it.

Ashley Patton

1 But it always -- it always just sat here -- it's
2 always sat with me wrong. I could just always -- I don't
3 know. I remember it so well. I just don't understand it.

4 Q. Okay. Anything else?

5 A. (Pause.) No.

6 Q. Grand jury want to ask him anything?

7 A. Anything. I mean, I'm here to help.

8 Q. I think we got it.

9 A. Okay.

10 Q. Again, I appreciate you coming up from Nevada.

11 A. Well, if you guys need anything, you know how to
12 get ahold of me.

13 Q. Okay. Thank you.

14 A. Thanks.

15 **TESTIMONY OF ASHLEY PATTON**

16 (Witness sworn.)

17 Q. First of all, even though it's kind of obvious, I
18 turned on that recorder there, so we're recording everything
19 here today, okay?

20 A. Okay.

21 Q. First of all, could you tell us your name and
22 what city you live in.

23 A. Ashley Patton. Coos Bay, Oregon.

24 Q. And previously -- you're married now?

25 A. Yes. Previously Ashley Hutchinson.

Peggy S. Jillson
987 Tivoli Street
Eugene, Oregon 97404
(541) 689-7964

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Cory Courtright

COQUILLE, OREGON; WEDNESDAY, JULY 14, 2010, 6:13 P.M.

-o0o-

TESTIMONY OF CORY COURTRIGHT (Continuing)

BY MR. FRASIER:

Q. Okay. I've turned on an additional recorder, since the video camera doesn't want to cooperate with us.

Okay. I think where we left off was around 10:00 p.m. Nick had called your house and you were speaking to him on the phone?

A. Yes.

Q. Could you tell us what the conversation was about.

A. Um, I just -- I just said hello, and he said, Hey, Cory, is Nick -- or, excuse me, Is Leah home?

And I said, No. Why?

And he said, Well, I can't -- I don't know where she's at. I can't find her.

And I said, What? You can't find her?

And he said, Don't worry about it. I'll bring her home here pretty soon.

I didn't think anything of it. I figured, you know, he was out looking for her.

Q. He didn't sound panicked at all, or anything like that?

A. Um, no. Really didn't. Nothing that I remember.

Cory Courtright

1 He just -- he just said, matter-of-factly, Well, don't worry
2 about it. I'll go get her and I'll bring her home.

3 Q. So you weren't too concerned, based on that
4 conversation?

5 A. No.

6 Q. Okay. Later on you fall back asleep. Is --

7 A. Yeah, I fell back asleep after that. And I woke
8 up at 3:30 in the morning. And I had to use the rest room,
9 and I just happened to peek in her room.

10 Q. Was the door open or shut, do you remember?

11 A. I -- I think it was shut because I pushed it
12 open. Not -- not shut, shut, you know, the -- it wasn't --

13 Q. Okay.

14 A. I pushed it open and looked in there, and her bed
15 was empty, she wasn't there.

16 Q. Was there any lights on in that room?

17 A. No.

18 Q. Was the TV going?

19 A. No.

20 Q. What did you think then?

21 A. My thoughts were, oh, my God, where is she? And
22 then I just thought, well, she's got to be with Nick. She's
23 got to be in his camp with him, at his parents' house, or
24 something.

25 Q. Had she spent the night with him before?

Cory Courtright

1 A. She did spend one night out there, um, after
2 he -- after he graduated. I did -- I did let her do that.

3 Q. Again, you're a little worried, but you had
4 nothing to cause you to think that something was out of the
5 ordinary?

6 A. Right. I just -- I just figured she was with
7 him. I mean, yeah, there was -- there was panic inside me.
8 It's like, oh, God, where is my daughter? And then I just
9 started thinking, Well, she's got to be with him. Um --

10 Q. What time do you wake up in the morning?

11 A. I -- I went back to bed and I just kind of laid
12 there for a while, and I think I dozed back off. And then I
13 woke up at 6:30 and I went downstairs, and that's when my mom
14 would always get up, at 6:30.

15 I went down there and told my mom that Leah
16 wasn't home, and I was scared, and she said, Well, maybe you
17 should call out at the McGuffins'. Well, we were trying to
18 hide the fact that Leah wasn't there from my dad because he
19 was so sick. He had COPD, and I didn't want to upset him.
20 So we kind of tried to hide it from Dad.

21 I said, well, she goes -- I think Kathy goes to
22 work at 8:00, so I'm going to wait until then, and I did.
23 And I called out there about a quarter to 8:00.

24 She -- Kathy answered the phone, and I asked her
25 if Leah was there. Then she said, "No," or at least she

Cory Courtright

1 didn't think so. And then, she goes, "Let me go look." And
2 she had taken the phone with her, and I could hear her open
3 the door.

4 I couldn't hear exactly what she was saying to
5 Nick, but then he got on the phone and I said, "Where is my
6 daughter?"

7 He goes -- and his answer was -- he said, "She
8 didn't come home last night?"

9 And I said, "No, where is she?" And then, I was
10 really upset. Then, I was upset. And something was really
11 wrong.

12 And he said he would come in and help me go look
13 for her.

14 Q. And did he come in to town?

15 A. He did. He came right in.

16 Q. And what did you folks do when he got there?

17 A. He got there, and um, I got in my car, and Denise
18 and Nick got in his car, and just started driving around
19 town. I mean, not -- not together. I mean, our cars
20 weren't -- I don't know where they went. I just started
21 driving up and down streets. Just in a state of panic. And
22 we must have done that, I don't know, for an hour or so, or
23 longer.

24 We went back -- we all met back at my parents'
25 house and it couldn't be hidden from my dad anymore. And he

Cory Courtright

1 knew. And he was getting upset. He told me I needed to go
2 to the police station. Something's wrong, because -- we knew
3 Leah didn't run away or anything like that. What had
4 happened to her?

5 Q. So, uh, you go to the police?

6 A. Yes.

7 Q. And at the time, it was uh, Mike Reaves was the
8 Chief of Police here in Coquille.

9 A. Yes.

10 Q. Don't want to put words into your mouth, but did
11 he kind of poo-poo the situation?

12 A. Yes. He um, kept telling me I needed to calm
13 down, because I came into the room in a panic state, and he
14 was going, "Well, what was she wearing?" and asking me that.
15 And when I told him, I had to turn around and ask the kids,
16 Denise and Nick. Um. Because I can't remember what she was
17 wearing.

18 And they were going -- and that's when they
19 repeated the clothing that she had on. And I said -- and
20 then I was referring it back to him, and when I said,
21 "wife-beater," he kind of snarled at me and pointed at me and
22 asked me why I would use that term.

23 I don't know, that's what they told me she was
24 wearing, I was just telling you. And just -- he wasn't very
25 nice to me.

Cory Courtright

1 Q. What time was that, that you were in to the
2 police station?

3 A. The -- I'm not certain.

4 Q. But sometime mid-day?

5 A. Oh, no. This was in the morning. This was like
6 9:30, 10:00, maybe. Somewhere in there.

7 Q. Okay. You -- obviously, she doesn't come home?

8 A. Didn't.

9 Q. Uh, and, um, did she make it to her -- her
10 appointment at the health department?

11 A. No, she didn't.

12 Q. All right.

13 A. But I didn't know that for quite a while.

14 Q. Right, but she had an appointment scheduled that
15 day, the 29th --

16 A. Correct.

17 Q. -- and she did not show up for that one?

18 A. Right.

19 Q. All right. You're getting pretty worried now,
20 about your daughter being missing?

21 A. Yes.

22 Q. And you start getting organized, get some people,
23 putting posters up around town --

24 A. Correct.

25 Q. Notifying the media, so forth?

Cory Courtright

1 A. Yes.

2 Q. The police get -- eventually get more involved in
3 the investigation at some point. The media is notified,
4 those type of things?

5 A. Right.

6 Q. And again, nothing comes forward publicly; is
7 that right?

8 A. Right.

9 Q. Now, during the next week or so, do you have
10 contact with Nick fairly regularly?

11 A. Yeah, somewhat. Um, if not through a phone call,
12 I would drive out there.

13 GRAND JUROR: I'm sorry. You said we can ask --

14 MR. FRASIER: Sure.

15 GRAND JUROR: Before we get a week away from
16 this, I took some notes here. See if I have this right:
17 Nick was washing the car. They were going to go to the
18 Hagas'. Is that how you pronounce it?

19 THE WITNESS: Haga.

20 GRAND JUROR: Haga house. That was the plan, was
21 to go there to watch a movie? Is that right?

22 THE WITNESS: Yeah, that -- that's a little iffy.
23 All I know was she said that they were going to get movies.

24 I thought the plan -- I thought what she said was
25 that they were going to go out to Nick's house to get some

Cory Courtright

1 movies, and that then he was going to take her to Cheri's
2 from 7:00 to 9:00, and pick her up at 9:00. And then they
3 were going to watch the movie.

4 GRAND JUROR: Mm-hmm.

5 THE WITNESS: At the Hagas' house.

6 GRAND JUROR: When you talked to Nick, the --
7 when you called him and talked to Cheri, and then Nick got on
8 the phone, had they said -- he said, had they gone out and
9 watched movies, do you remember?

10 Had he said anything about whether they had --

11 THE WITNESS: He didn't say anything --

12 GRAND JUROR: Or that they had been together at
13 all?

14 THE WITNESS: Oh, or I'm sorry, are you talking
15 about the next day?

16 GRAND JUROR: Well, yeah, the next day.

17 THE WITNESS: Oh.

18 GRAND JUROR: Right. Had they done -- what had
19 he said they did the night before?

20 I mean, when you said, "Is she there?" did he
21 say, "I" -- did he say anything about the time they'd spent
22 together the night before?

23 THE WITNESS: No, he just said that he had taken
24 her to Cheri's at 7:00 --

25 GRAND JUROR: That's at 7:00.

Cory Courtright

1 THE WITNESS: -- and went to pick her up at 9:00,
2 and he said she had already left.

3 GRAND JUROR: Okay. Okay.

4 BY MR. FRASIER:

5 Q. And I -- it's a couple of questions, kind of I
6 was headed that way, but when you're talking to him the next
7 day, or in the upcoming week, does he explain to you about --
8 well, first of all, let me ask you this question:

9 On the evening of June 28th, the morning of June
10 29th, does Nick maybe up and actually come to your home,
11 knock on the door, and say, "Hey, is Leah here?"

12 A. No.

13 Q. Okay. And did you ask him or did he tell you if
14 he had ever come to your house that night?

15 A. (Pause.) He, um, yeah -- oh, I cannot honestly
16 answer that.

17 Q. Well, did --

18 A. I don't know if it was a --

19 Q. Did he tell you about that he came to your house
20 and when he saw a light in the window and thought she was in
21 her bedroom?

22 A. Yes.

23 Q. Okay.

24 A. And he said he threw --

25 Q. Okay. Well, tell the grand jury what he told you

Cory Courtright

1 about that.

2 A. He told me that he had come by at 2:30 in the
3 morning, and her light was on, and that he had thrown some
4 rocks up at her window.

5 GRAND JUROR: I got a question. He called you
6 about 10:00 p.m., right?

7 THE WITNESS: Yes.

8 GRAND JUROR: Looking for her?

9 THE WITNESS: Mm-hmm.

10 GRAND JUROR: Okay. That's what I thought.

11 BY MR. FRASIER:

12 Q. Now, in regards to a light on in the bedroom, was
13 there a light on in that bedroom that night?

14 A. No.

15 Q. And about throwing rocks at the window, did you
16 have a problem with that?

17 A. Yeah, because there's just grass under there. I
18 don't know. Was he packing rocks in his pocket, or what, you
19 know?

20 GRAND JUROR: Somebody told me it was a tomato
21 garden in the place.

22 THE WITNESS: Um, my mom had all kinds of flowers
23 around her house. And yes, there was tomato plants there,
24 correct.

25 GRAND JUROR: But there wasn't like any gravel

Cory Courtright

1 or --

2 THE WITNESS: No.

3 GRAND JUROR: -- rocks or anything like that?

4 THE WITNESS: It was grass.

5 GRAND JUROR: What time did you wake up and check
6 her room?

7 THE WITNESS: 3:30.

8 GRAND JUROR: 3:30. So that would be after he
9 supposedly came?

10 THE WITNESS: Correct.

11 BY MR. FRASIER:

12 Q. Now, again, this would be about, uh, perhaps a
13 week after Leah disappeared -- during that time frame, were
14 you being supportive of Nick and, you know, believing him and
15 what he was talking about?

16 A. Oh, yeah. I thought he was, uh -- well, he was
17 helping look for her and helping her friends and -- and the
18 community, uh, put up the posters of Leah, that she was
19 missing, around town.

20 Q. And was there an incident where he had been at
21 the police station and had apparently been interviewed by the
22 police and then he came over to your house with his parents?

23 A. Yes.

24 Q. Tell the grand jury how he behaved when he came
25 over to your house after he'd been interviewed.

Cory Courtright

1 A. He, uh, came -- he got out of the car. It was
2 him and his parents. They pulled up in the driveway. He got
3 out of the car, kind of holding his head like this, and
4 headed right for the backyard. My daughter Denise followed
5 him back there. Then she started screaming, "Mom,
6 something's really wrong with Nick."

7 And this -- "What's wrong with him?"

8 And his father at that time told me he had just
9 been down to the police station.

10 Q. Was Nick -- how was he acting? What was going
11 on?

12 A. Well, he was throwing up. He threw up all over
13 the backyard.

14 Q. Did they actually take him to the hospital?

15 A. Um, yeah. After that they were going -- they
16 were putting him in the back in the car, and I said, "Well,
17 he -- he needs to see a doctor then, or something."

18 They said, "Yeah, that's what we're going to do.
19 We're going to take him to the hospital right now."

20 Whether they did or not, I don't know. I assume
21 they did.

22 Q. Over time, has Nick and the McGuffin family, how
23 they interact with you, has that changed?

24 A. Drastically.

25 Q. How so?

Cory Courtright

1 A. Well, I -- I mean, because I would go out to
2 their house in the time that she was missing. You know, just
3 if they had heard anything, that type of thing. Um, there
4 would be phone calls, you know, if they had heard anything.

5 Up until, um, right after Leah's funeral, they
6 just all stopped. They just stopped. There was no phone
7 calls, he didn't come around. Um, people -- his behavior
8 seemed to change. I don't even know how to describe it, but
9 he just seemed a different person.

10 Q. Have there been situations where he's driving a
11 car here through Coquille and you're driving, and basically
12 drives dangerously, cuts you off?

13 A. Yeah. There was one incident. We'd been down to
14 the Democratic convention in Bandon and we were coming over
15 Beaver Hill, and he sped up alongside us and pulled over --
16 he almost ran us off the road. Us being my friend Janet and
17 her 84-year-old mother at the time, and Shelby Harvey,
18 another friend of ours.

19 Q. Have there been other instances where he's kind
20 of driving by and he gives you the finger, and stuff like
21 that?

22 A. Yeah. Um, my dad had a heart attack, and my mom
23 and I got in his truck and we were rushing up to the
24 hospital, and that's the first time I remember him doing
25 that. He drove by and he just flipped me his middle finger.

Cory Courtright

1 GRAND JUROR: Do you have -- I mean, did -- do
2 you have any reason to think why he would behave that way?

3 THE WITNESS: Well, his -- I think he thought I
4 was becoming suspicious of him.

5 GRAND JUROR: He's -- I mean, I'm not really -- I
6 really know little or nothing of this, so I mean I'm --
7 I'm -- I'm -- I don't know anything about it. But based on
8 maybe articles in the paper, or based on just gossip in town,
9 or -- or --

10 THE WITNESS: My suspicions?

11 GRAND JUROR: No, why he would be suspicious that
12 you were susp -- why he thought you were suspicious of him.
13 Had you said something to him or his family?

14 THE WITNESS: Well, uh, no. But his dad came to
15 our house one morning, and it had to have been after
16 Leah's -- they found her body.

17 I woke up one morning to yelling downstairs, and
18 I knew it was my dad. And it scared me, again, because of
19 his health.

20 And I went down there, and my dad and Bruce were
21 screaming at each other. My dad told him to leave because my
22 daughter was dead, and he thought his son was responsible.

23 And I asked Bruce, I said, "What are you doing
24 here? Why are you doing this?"

25 He said, "Well, you don't come around anymore and

Cory Courtright

1 my son thinks that maybe you might have had something to do
2 with this."

3 MR. FRASIER: So he's telling you that Nick is
4 thinking that you did something to your daughter?

5 THE WITNESS: No, he's telling me that Nick
6 thinks that I think he did something to his [sic] daughter.

7 MR. FRASIER: Oh, that's what happened.

8 GRAND JUROR: But it wasn't -- I mean, I guess
9 I'm trying to say it wasn't -- you hadn't accused him, you or
10 your father or anybody in your family hadn't, at that point,
11 made an accusation that you thought he was guilty of it?

12 THE WITNESS: No.

13 GRAND JUROR: Okay. I'm -- so, I'm trying to
14 figure out why he would be flipping you off and doing these
15 things. You know, what would, you know, that there was
16 something that, other than that one --

17 GRAND JUROR: Did that stuff occur after your
18 father had the conversation with him?

19 THE WITNESS: Yes.

20 GRAND JUROR: Okay. So that's what triggered
21 that --

22 GRAND JUROR: That could have triggered that
23 behavior?

24 THE WITNESS: Yes.

25 GRAND JUROR: Okay.

Cory Courtright

1 GRAND JUROR: Now, when you were -- when you got
2 cut off by Nick, going up, uh, Beaver Hill, you said you were
3 with somebody. Who was that?

4 THE WITNESS: Um, my friend Janet.

5 GRAND JUROR: Janet.

6 THE WITNESS: Janet Reab, is her name. And she
7 was caregiving for a man by the name of Shelby Harvey. And
8 there was also her elderly mother in the car with us.

9 When that happened, we went -- I knew where
10 Detective Pat Downing from the sheriff's department, I knew
11 where he lived. And we went directly to his house and told
12 him what had happened.

13 MR. FRASIER: I think I've covered just about all
14 the questions that I wanted to ask you. Have I missed
15 anything that you think is (indiscernible)?

16 THE WITNESS: (Pause.) Mm, I can't think of
17 anything.

18 MR. FRASIER: I don't have any other things to
19 ask her at this time. Do you folks have anything that you'd
20 want to ask her in addition to what you've been talked about
21 so far?

22 GRAND JUROR: What is -- what has been the
23 relation since back then? Do you see this person, Nick?

24 THE WITNESS: I haven't seen him in --

25 GRAND JUROR: Or the McGuffins?

Cory Courtright

1 THE WITNESS: I haven't seem them in quite a
2 while. Um, you know, it's been a long time.

3 GRAND JUROR: He hasn't harassed you or anything
4 like that, since then?

5 GRAND JUROR: He still lives here?

6 THE WITNESS: Um, I believe so. I believe he
7 lives in Coos Bay. That's just what I've heard; I don't
8 know.

9 MR. FRASIER: Okay. Anything else?

10 All right. That will be it. Okay?

11 THE WITNESS: Thank you.

12 MR. FRASIER: I'm going to reach over and turn
13 off the tape for a second.

14 (Pause in recording.)

15 GRAND JUROR: (Indiscernible) Denise?

16 THE WITNESS: Yes.

17 GRAND JUROR: How do you pronounce it? Bert --

18 THE WITNESS: Bertrand.

19 GRAND JUROR: Bertrand. Fine.

20 GRAND JUROR: I'm the -- forgot what I'm called.

21 The -- anyway, I'm going to read you -- (Laughter.)

22 Forgot my title here. The grand jury, the --

23 MR. FRASIER: Foreperson.

24 GRAND JUROR: The what?

25 MR. FRASIER: Foreperson.

Ashley Patton

1 But it always -- it always just sat here -- it's
2 always sat with me wrong. I could just always -- I don't
3 know. I remember it so well. I just don't understand it.

4 Q. Okay. Anything else?

5 A. (Pause.) No.

6 Q. Grand jury want to ask him anything?

7 A. Anything. I mean, I'm here to help.

8 Q. I think we got it.

9 A. Okay.

10 Q. Again, I appreciate you coming up from Nevada.

11 A. Well, if you guys need anything, you know how to
12 get ahold of me.

13 Q. Okay. Thank you.

14 A. Thanks.

15 **TESTIMONY OF ASHLEY PATTON**

16 (Witness sworn.)

17 Q. First of all, even though it's kind of obvious, I
18 turned on that recorder there, so we're recording everything
19 here today, okay?

20 A. Okay.

21 Q. First of all, could you tell us your name and
22 what city you live in.

23 A. Ashley Patton. Coos Bay, Oregon.

24 Q. And previously -- you're married now?

25 A. Yes. Previously Ashley Hutchinson.

Ashley Patton

1 Q. Okay. And did you live in the Coquille area in
2 the past?

3 A. Yes.

4 Q. Did you go to high school here?

5 A. Yes.

6 Q. Graduate?

7 A. Yes.

8 Q. Okay. While you were in school here, did you
9 know an individual named Leah Freeman?

10 A. Yes.

11 Q. How did you know Leah?

12 A. Um, ever since we were little kids, I don't
13 remember how. Just school and daycare and stuff.

14 Q. Were you the same age?

15 A. Um, she was a year or two younger than me.

16 Q. Did you know Nick McGuffin?

17 A. Yes.

18 Q. And was he older than you?

19 A. Um, he was two grades ahead of me.

20 Q. Did you become aware in 1999, the fall of 1999 to
21 2000, did Leah and Nick -- did they start a dating
22 relationship?

23 A. Yes.

24 Q. Did you have an opportunity to observe that
25 relationship?

Ashley Patton

1 A. Yes.

2 Q. Could you describe it for us a little bit.

3 A. Uh. It was on-again, off-again. They fought a
4 lot -- argued a lot. Um. That's pretty much all I really
5 know.

6 Q. Okay.

7 A. I don't really remember very much.

8 Q. Okay. Did you have a job the summer of 2000?

9 A. Yes.

10 Q. Where did you work?

11 A. Hunter's, and Coquille Pool.

12 Q. Okay. And Hunter's was a restaurant here in
13 town?

14 A. Yes.

15 Q. The old Dairy Queen?

16 A. Yeah.

17 Q. That's now Colleen's?

18 A. Colleen's, yeah.

19 Q. All right. On the evening of June 28, 2000, had
20 you been over at Hunter's that day, or that evening?

21 A. That was the day she disappeared, right?

22 Q. Yes.

23 A. Yes, I was at Hunter's.

24 Q. Okay. Were you working that night, or were you
25 just over there?

Ashley Patton

1 A. I was just over there with some friends that were
2 working.

3 Q. Okay. And did you leave that restaurant at some
4 point in time?

5 A. Yeah, a little bit before 9:00. Because I had to
6 be home at 9:00, I remember.

7 Q. Okay. And were you driving?

8 A. Yes.

9 Q. And which way did you drive?

10 A. Um, I guess it was south on Central.

11 Q. Okay.

12 A. Towards town, more.

13 Q. Okay. That would be -- there's Hunter's, and
14 then there would have been a bank, and then McKay's --

15 A. Right.

16 Q. -- then you were headed --

17 A. That road.

18 Q. -- you were headed that way?

19 A. Yeah.

20 Q. Okay. Did you see Leah that night?

21 A. Yes.

22 Q. Where did you see her?

23 A. She was walking in front of McKay's, um, kind of
24 by the pay booth -- pay phone booth. She was walking towards
25 Hunter's.

Ashley Patton

1 Q. Okay. So that would have been the opposite
2 direction you were going?

3 A. Yes.

4 Q. Okay. Do you remember what she was wearing?

5 A. A white men's tank top, a wife-beater. Um, I
6 think some white shorts and some tennis shoes. And I think
7 she had a sweatshirt around her waist.

8 Q. Okay. That picture there, it reportedly was
9 taken that day. Does it --

10 A. That was the tank top she was wearing. I
11 don't -- I think she was wearing shorts when I saw her,
12 though.

13 Q. Okay.

14 A. I can't remember if she was wearing jeans.

15 Q. All right. And did you stop, talk to her at all?

16 A. No.

17 Q. Okay. What did she -- could you tell how she
18 was -- did she have an attitude, do you recall?

19 A. She looked mad. Uh, she had her arms crossed in
20 front of her. She just had a mad look on her face. She was
21 stomping. And I just remember thinking, there's Leah, and
22 she looks pissed.

23 Q. Okay. And then so she's heading towards
24 Hunter's, and you head on home?

25 A. Mm-hmm.

Ashley Patton

1 Q. Yes or no?

2 A. Yes. I'm sorry.

3 Q. The next day, did you find out that Leah was
4 missing?

5 A. Yes.

6 Q. How did you find out?

7 A. I went in to work at the Coquille pool, and, um,
8 my co-worker Shawna Ferrin (phonetic) asked if I'd seen Leah
9 Freeman. And I said, "No, was she supposed to be here?" And
10 they said, "No, she's -- she's missing; they haven't seen
11 her."

12 And I said, "Oh, well, I saw her last night."
13 And they said, "Oh, you should call the police and let them
14 know," so I did.

15 Q. After Leah disappeared, did you ever have any
16 contact with Nick McGuffin? Observe him, or anything like
17 that?

18 A. Um, I don't remember when it was. It was after
19 she had disappeared. I was with a friend, um, somewhere in
20 town. I don't remember exactly where we were, or why he was
21 with us or anything. But, um, I did get in a vehicle with
22 him, and then I got out because I was -- I decided I didn't
23 like the situation, and so I left.

24 Q. Okay. Was this before Leah's body was found or
25 after?

Ashley Patton

1 A. I think it was after, because I'm pretty sure it
2 was during the school year. I think we were on lunch break
3 or something. I think it was like in September, October
4 maybe.

5 Q. I don't think I have any other questions.
6 Is there anything you think the grand jury needs
7 to know about this case?

8 A. Um. (Pause.) Not that I have to offer,
9 unfortunately. I don't think so.

10 MR. FRASIER: Grand jury want to ask her
11 anything?

12 GRAND JUROR: What time was it when you think you
13 saw her? You said you saw her?

14 THE WITNESS: I used to know the exact time. I
15 think the exact time was like 8:57, but I know for a fact
16 that it was between 8:50 and nine o'clock. That's all I can
17 remember for sure.

18 GRAND JUROR: Okay. (Pause.) That's it.

19 MR. FRASIER: Okay. Anything else?

20 (Pause.) Okay.

21 THE WITNESS: Shortest one, huh? (Laughs.)

22 MR. FRASIER: So far.

23 THE WITNESS: Thank you.

24 MR. FRASIER: Don't forget your purse.

25 THE WITNESS: Thank you. I would've. I would

Danny Lee

1 have been back though. (Laughs.)

2 **TESTIMONY OF DANNY LEE**

3 (Witness sworn.)

4 BY MR. FRASIER:

5 Q. First of all, could you tell us your name please,
6 sir?

7 A. Uh, my name is Danny Paul Lee.

8 Q. And you reside here in Coquille?

9 A. Yes, I do.

10 Q. And you're now retired?

11 A. Yes, sir, I am.

12 Q. And previously what was your occupation?

13 A. I was a police officer for the City of Coquille.

14 Q. And how long were you with the city?

15 A. Uh, approximately 18 years.

16 Q. And since I forgot to do it, I need to tell you,
17 even though it was obvious, I do have a recorder --

18 A. Uh, there's a tape recorder --

19 Q. It's --

20 A. -- here in front of me, yes.

21 Q. Okay. And how long did you work with the City of
22 Coquille as a police officer?

23 A. Approximately 18 years.

24 Q. I want to go to the evening of June 28th, early
25 morning of June 29th, 2000.

Danny Lee

1 have been back though. (Laughs.)

2 **TESTIMONY OF DANNY LEE**

3 (Witness sworn.)

4 BY MR. FRASIER:

5 Q. First of all, could you tell us your name please,
6 sir?

7 A. Uh, my name is Danny Paul Lee.

8 Q. And you reside here in Coquille?

9 A. Yes, I do.

10 Q. And you're now retired?

11 A. Yes, sir, I am.

12 Q. And previously what was your occupation?

13 A. I was a police officer for the City of Coquille.

14 Q. And how long were you with the city?

15 A. Uh, approximately 18 years.

16 Q. And since I forgot to do it, I need to tell you,
17 even though it was obvious, I do have a recorder --

18 A. Uh, there's a tape recorder --

19 Q. It's --

20 A. -- here in front of me, yes.

21 Q. Okay. And how long did you work with the City of
22 Coquille as a police officer?

23 A. Approximately 18 years.

24 Q. I want to go to the evening of June 28th, early
25 morning of June 29th, 2000.

Danny Lee

1 Were you on duty that day, do you remember?

2 A. Uh, I -- I believe I was.

3 Q. Okay. This would have been the evening that Leah
4 Freeman disappeared.

5 A. Correct. I was on duty at that time.

6 Q. During the course of your shift, did you stop a
7 vehicle driven by Nicholas McGuffin?

8 A. I didn't stop Nick. Uh, I was working graveyard,
9 and it would've -- our graveyard started at 11:00, and I'm
10 thinking this would have been closer to midnight. During the
11 course of my patrol, I did have contact with, uh,
12 Mr. McGuffin.

13 Q. And how did you have contact with him?

14 A. I was driving down 12th Street near Collier, and
15 his car came up from the other side of 12th Street from Birch
16 to Collier. And I came across the intersection, and we
17 stopped and we talked to each other from vehicle to vehicle.

18 Q. All right. And what did you talk about?

19 A. Well, Nick was, uh, concerned, uh, that he
20 couldn't find Leah. That she had, uh -- she was walking
21 somewhere, he didn't know where. He couldn't find her, and
22 he seemed quite concerned about trying to locate her. Uh, he
23 wanted to know if I could look for her, keep my eyes open for
24 her. And, uh, I agreed I would, and we went our separate
25 ways, and I never saw Leah that evening.

Danny Lee

1 Q. How would you describe his demeanor when he was
2 talking to you about Leah?

3 A. Well, he seemed upset that he couldn't find her.
4 Uh, I don't know if they had been together earlier that
5 night, if there'd -- anything of that nature. Uh, but he had
6 a -- there was a genuine concern that he wanted to find her.
7 That she was out walking, and that was a rather late hour.

8 Q. Did he express to you any concern that she was
9 missing, or that maybe to get police involved, or --

10 A. Not that I was aware of at that time.

11 Q. Okay. Just be on the lookout for her?

12 A. Yeah, if I'd seen her, you know. Needed to be
13 looking for her, if I found her.

14 Q. Did you ask any questions about where it was the
15 last time he saw her or did you check her house or anything
16 like that?

17 A. I didn't check any houses, and I don't recall a
18 conversation about that in depth.

19 Q. Okay. How long would you say this contact was?

20 A. Uh, five minutes or less.

21 Q. Again, do you recall roughly when this was, about
22 the time she --

23 A. Time-way -- Time-wise, it was -- it was near
24 midnight. Around 12:00, uh, twelve o'clock.

25 Q. I'm going to ask you some questions here.

Danny Lee

1 During the course of this investigation, there
2 was a search warrant executed on the home of the McGuffin
3 family, and some documents were seized there. And some of
4 those documents, the McGuffin family for some reason believes
5 that on the evening of June 28th, that your stepson and other
6 persons were having a party at your house.

7 A. Was this the night that Leah went missing?

8 Q. Yes.

9 A. I don't believe that at all.

10 Q. Okay. And do you -- you wouldn't have had a
11 party at your house that night?

12 A. Uh, no.

13 Q. And -- well, why was that? Were you -- because
14 you were getting ready to go to work, or --

15 A. Well, uh, I would be sleeping, for one. And you
16 don't disturb dad when he's sleeping before a graveyard
17 shift. So, uh, I don't see it happening.

18 Q. Okay.

19 A. If there was anything there, it would have been
20 so quiet. Huh, and I doubt that, if they're partying.

21 Q. Okay. Are you familiar with an individual named
22 Tom Stemmerman?

23 A. Whom?

24 Q. Tom Stemmerman.

25 A. Not off the top of my head. It doesn't ring a

Danny Lee

1 bell, no.

2 Q. Okay. To the best of your knowledge, has an
3 individual named Tom Stemmerman ever been to a party at your
4 house?

5 A. Not that I'm aware of.

6 Q. Okay. Bill Sero. Are you familiar with an
7 individual named Bill Sero?

8 A. I've -- I've heard the name, uh, on several
9 occasions.

10 Q. And, to the best of your knowledge, has he ever
11 been at a party at your house? Or has he ever been to your
12 house?

13 A. Not that I'm aware of.

14 Q. Okay. Alicia Michaud?

15 A. I know who that is, and I've never had her near
16 my house.

17 Q. Okay. Kristen Steinhoff?

18 A. I know who Kristen is. There's a possibility she
19 may have seen my daughter.

20 Q. Okay.

21 A. Uh, my daughter ran around with her sister, uh,
22 Stephanie. And so there's a possibility that, uh, she may
23 have been by a house -- by the house when my daughter was by
24 there.

25 Q. Okay. Leah Freeman. You know who she was?

Danny Lee

1 A. I know who Leah was. Uh, I, uh, had very few, if
2 any contacts with Leah.

3 Q. Okay. And again, she's never been over to your
4 house.

5 A. Excuse me?

6 Q. Leah's never been over to your house?

7 A. Not that I'm aware of.

8 Q. Okay. And I'm sorry for asking you any of these
9 questions, but this popped up in these documents.

10 A. I -- feel free.

11 Q. All right. Well, the last question I have:

12 Seeing that they seem to think there's some sort
13 of party or something at your house, did you have anything to
14 do with Leah Freeman's disappearance or death?

15 A. No, I did not.

16 Q. Or hiding her body or anything along that line?

17 A. I had nothing to do with anything involving Leah
18 Freeman.

19 Q. That's all the questions I have.

20 Is there anything I missed I should have asked
21 you?

22 A. Excuse me?

23 Q. Is there anything I missed I should have asked
24 you?

25 A. Uh, not that I can think of.

Danny Lee

1 Q. Is there anything your wife wants me to ask you
2 while I have you under oath? (Laughter.)

3 A. I didn't -- I didn't have -- I haven't had any
4 parties involving minors or children.

5 MR. FRASIER: Okay. All right. I don't think I
6 have any -- questions? Go ahead.

7 GRAND JUROR: You made allusion to your wife.
8 Was your wife at your house once you left --

9 THE WITNESS: You know --

10 GRAND JUROR: -- to go to work?

11 THE WITNESS: I don't -- I got --

12 GRAND JUROR: Was anyone at your house when you
13 left for work?

14 THE WITNESS: I got -- I got divorced.

15 GRAND JUROR: Okay.

16 THE WITNESS: Uh, in 2000, and I don't recall
17 what month it was. So I don't know if at the time, uh, my
18 ex-wife was at the residence or not.

19 GRAND JUROR: Okay.

20 THE WITNESS: Uh, we're still on friendly terms.
21 I mean I could call her and find out exact dates. I don't do
22 dates very well.

23 But I -- I have spoke with her about, uh,
24 juvenile parties. And, uh, she cannot recall ever having any
25 parties with anyone that was under 21 years old at our

David Zavala

1 residence.

2 MR. FRASIER: Any other questions from the grand
3 jury?

4 GRAND JUROR: I can sympathize with the graveyard
5 routine. (Laughter.)

6 THE WITNESS: Yeah, you can.

7 MR. FRASIER: That's it.

8 THE WITNESS: Okay. Thank you.

9 GRAND JUROR: Thank you.

10 **TESTIMONY OF DAVID ZAVALA**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. Okay. First of all, before I forget, I've
14 started the tape recorder or the digital recorder here. So,
15 we are recording you, just to let you know.

16 A. Okay.

17 Q. First of all, sir, could you tell us your name,
18 please, and your current occupation.

19 A. First name's David, last name's Zavala. Z as in
20 Zebra, A, V as in Victor, A-L-A. And I'm a police officer
21 for the City of Keizer.

22 Q. How long have you been at the City of Keizer now?

23 A. I'm going on to 10 years.

24 Q. Prior to that, where did you work?

25 A. Prior to that I worked, uh, as a police officer

Cheri Mitchell

1 to run the whole way with me and come back, or if I was going
2 to be left by myself somewhere, because there had been a
3 couple times in the past where me and Leah had gone running
4 together and Nick would drive by and stop and Leah would get
5 in the car with him and I would end up running by myself.

6 And so my mom was -- you know, she obviously
7 didn't want me coming home -- I'd come home a couple times
8 late by myself in the dark and she was mad about it. And so
9 she was asking me, you know, if that was going to happen and
10 I said, "I don't know what's going to happen, you know if he
11 comes and drives by there's a chance she'll get in the car,
12 you know. I don't know."

13 And so, you know, I was arguing with her because
14 I wanted to go, and she didn't want me to go.

15 Q. Okay. So, you don't end up going running?

16 A. Mm-hmm.

17 Q. No?

18 A. No.

19 Q. Okay.

20 A. No running.

21 Q. And does Leah apparently overhear part of this
22 conversation?

23 A. Yes. I mean our house was pretty small.

24 Q. Okay. Can --

25 A. It wasn't -- it wasn't even necessarily a

Cheri Mitchell

1 conversation that we were trying to hide from her.

2 Q. Okay.

3 A. I mean, it wasn't like anything necessarily
4 negative towards her. I don't think -- like my mom wasn't
5 trying to hurt her feelings; she was honestly just asking,
6 you know, is Leah going to come all the way back with you?

7 Q. Yeah.

8 A. And so I took it, you know, like she was saying
9 no, and didn't want to hear the words "no," because I was 14.

10 Q. Okay.

11 A. So.

12 Q. How did Leah react?

13 A. Uh. She got mad. I mean, she walked down the
14 stairs and walked out, and I -- I mean, she took it really
15 personal, you know? She felt like my mom didn't like her at
16 that point.

17 You know, I remember her walking outside and, you
18 know, following her and she's saying, you know, "Your mom
19 doesn't like me," or "Your mom hates me," or something.

20 I said, "No, she doesn't hate you, you know.
21 It's just that she doesn't want me to walk -- you know, she
22 doesn't want me to be in the dark by myself."

23 And so I think that, you know, she took it
24 personal. Um, but, you know, it wasn't. And I tried to make
25 her realize that.

Cheri Mitchell

1 But then it -- you know, the whole conversation
2 shifted to Nick and just the fact that, you know, I didn't
3 want her smoking pot and I just thought she was above it,
4 and -- I mean, you have to remember I was 14, and so at the
5 time I'd never smoked pot, and it seemed like the end of the
6 world that my friend was smoking pot. You know, I don't
7 smoke pot now, but I have. And so at the time I just -- it
8 was like the biggest thing in the -- you know, in the world,
9 was like, you know, I can't believe you're smoking pot. You
10 know.

11 Q. And, did she react to it like something to the
12 effect of, "Well, I'm sorry I'm not good enough for you?"

13 A. Yes. That's what she said.

14 Q. Okay.

15 A. And there was -- you know, I'm -- it wasn't like
16 a super short conversation, I just can't remember everything
17 else that was said.

18 GRAND JUROR: I got a --

19 When you say you were going go to -- this is,
20 they said this is what she was wearing, most likely, the day
21 of her disappearance. Would that have been normal attire for
22 you guys to go jogging in, then?

23 THE WITNESS: No, she would have borrowed a pair
24 of shorts from me.

25 GRAND JUROR: Okay.

Cheri Mitchell

1 THE WITNESS: But we didn't go jogging.

2 GRAND JUROR: So if she had gone, then she would
3 have changed?

4 THE WITNESS: Yeah, we wouldn't -- she wouldn't
5 have been running in jeans.

6 GRAND JUROR: Okay.

7 THE WITNESS: No.

8 GRAND JUROR: Okay.

9 BY MR. FRASIER:

10 Q. While we're on it, that picture there: Does that
11 look like what Leah was wearing that day?

12 A. Yeah, that's --

13 Q. Now, she leaves at that point?

14 A. Mm-hmm.

15 Q. Yes?

16 A. Yes.

17 Q. Okay. And then you go back inside your house,
18 back to your apartment, or --

19 A. Um, as far as I remember.

20 Q. Okay. Let me ask you this: Leah and you, did
21 you pass notes back and forth between each other all the
22 time?

23 A. Yes. Quite regularly.

24 Q. Even if you --

25 A. We loved to write.

Cheri Mitchell

1 Q. Even if you're in the same room, rather than
2 talk, you'd write a note?

3 A. We, uh -- I think that that night was actually
4 the only time that she'd ever actually wrote a note to me
5 when I was in the same room. And I actually remember
6 thinking -- you know, wondering why she didn't just talk to
7 me.

8 But she really did love to write. It was just
9 kind of a strange thing. She -- she really loved her
10 handwriting, and so she would always write notes and like, in
11 her notes she would say, "Oh," you know, "Look at that L," or
12 you know, "Look at that; that's so funny." And so she
13 just -- you know, I remember at volleyball games, or places
14 where we had to be quiet, she would always just write little
15 notes and pass them. So she just -- and it wasn't just me.
16 I mean, she wrote to all of our friends. So, she just liked
17 to write stuff.

18 Q. So, were you actually aware that she had written
19 you a note there that night?

20 A. Not until, um, after I went back upstairs. I --
21 I mean, I knew that she was writing, but she also, you know,
22 sometimes liked to write poetry and stuff like that. And so
23 I don't know -- I don't think I was aware that she was
24 necessarily writing a note to me. I knew she was writing,
25 though.

Cheri Mitchell

1 Q. All right. Did you -- you did actually find a
2 note addressed to you from Leah?

3 A. Yes.

4 Q. And is that a copy of it?

5 A. (Pause.) Yes.

6 Q. Obviously you don't see Leah again after she --

7 A. Mm-hmm.

8 Q. Sometime after she left, did Nick McGuffin show
9 up at your house?

10 A. Yeah, it wasn't that long after she left. Um,
11 not very long. He showed up right at -- I'm pretty sure it
12 was like, right at 9:00, right when he was supposed to show
13 up.

14 GRAND JUROR: What time did she leave, do you
15 remember?

16 THE WITNESS: It was like, 8:45 or, I mean, 8:50.
17 It wasn't very long. It was just -- because I remember
18 asking him, "You didn't pass her?" Like, I was really
19 surprised that he didn't -- they didn't cross paths.

20 BY MR. FRASIER:

21 Q. And uh, when he gets there, you tell him she's
22 already left.

23 A. Mm-hmm. I just said, you know, "We got in a
24 fight; she left."

25 Q. Okay. And what did Nick do?

Cheri Mitchell

1 A. He just left. He said, "Okay," and left.

2 Q. Does he come back later?

3 A. Yes.

4 Q. About how long?

5 A. Uh, it was like an hour or two.

6 Q. Okay.

7 A. I want to say it was like eleven o'clock, but it
8 might have been 10:00.

9 Q. Okay.

10 A. Sorry.

11 Q. When he shows up, how's he behaving?

12 A. Uh, he was -- he was really worried that, you
13 know, something bad had happened. Um, he was pretty jumpy.

14 And at the time, I -- you know, it seemed kind of
15 strange to me that he was so worried because it had only been
16 like an hour or two. And I thought she could be at the park,
17 or -- I thought she was at the park. I actually -- after he
18 left, I drove down to the park with my brother because I
19 thought she'd just be sitting there on the swings or
20 something.

21 Um, but he came in, and I said, you know, "Well,
22 did you call her mom? Have you talked to her mom?" And he
23 hadn't called her mom, and so I said, "Well, call her mom,"
24 you know. "She's probably at home."

25 And so I picked up the phone and gave him the

Cheri Mitchell

1 phone, and he called her mom, and she obviously said she
2 wasn't there.

3 And he -- he was pretty jumpy, but, I mean, for
4 starters, Nick was really dramatic. And so on the one hand
5 it was weird that he was so worried, and on the other hand I
6 thought, well, maybe it's just Nick being Nick, you know.
7 Because he was just such a -- you know, he was just so
8 dramatic about it. I thought, well, I don't know what's
9 wrong with him.

10 Q. Now, were you aware that Leah was going to go to
11 the health department to get something?

12 A. I was, but it's hard to remember now. I mean, I
13 know at the time I remember talking about it, and I know in
14 the letter -- you know, that's what she's asking me to go
15 with her to. Um, but looking back, I can't remember much
16 about it.

17 Q. Okay. So, but -- well, I'll just pass over that
18 then. Okay.

19 So, Nick calls Leah's home, Leah's not there, he
20 leaves?

21 A. Mm-hmm.

22 Q. Yes?

23 A. Yes.

24 Q. Okay. And you decide with your brother to go
25 look for her?

Cheri Mitchell

1 A. We didn't really decide to go look for her. I
2 honestly just thought she was at the park because we would go
3 down to the park a lot just like when we were, you know,
4 trying to get away or something. We'd just go hang -- we'd
5 hang out on the swings a lot. So we just drove to the park,
6 but --

7 Q. And that would be the 5th Street park?

8 A. Yes.

9 Q. Okay. It's about eleven o'clock at night?

10 A. It was right after Nick left, so I want to say it
11 was probably 11:00.

12 Q. Okay. We heard from Mrs. Courtright that the
13 phone call came in around ten o'clock.

14 A. Then it might have been 10:00. It's hard -- I
15 can't remember if Nick came back at 10:00 or 11:00.

16 Q. Okay.

17 A. I know that -- I'm sorry. I mean I know, you
18 know, that my, whatever I -- my old testimonies, I guess, way
19 back then, would have what I said, but I just can't remember.

20 Q. All right. So you don't see Leah at the 5th
21 Street park?

22 A. No.

23 Q. Okay. So you go home?

24 A. Yes.

25 Q. And at the time did you have a boyfriend named

Cheri Mitchell

1 Corey Bryant?

2 A. Yes.

3 Q. And Corey, did he show up at your house that
4 night, on the night of June 28?

5 A. Yes.

6 Q. Okay.

7 A. Interestingly, though, I didn't remember any of
8 that until I just talked to him in the waiting room.

9 Q. Okay. (Laughs.)

10 A. He remembers all of it. He actually showed up
11 when Nick showed up.

12 Q. Oh, okay.

13 A. So.

14 Q. We'll talk to him.

15 A. But yeah, so he could tell you. I honestly
16 didn't remember any -- I didn't remember him being there.

17 Q. Right. The next day, I guess this will be June
18 29th, about five o'clock, are you over at Corey Bryant's
19 house? Do you recall?

20 A. I guess.

21 Q. Okay.

22 A. He just told me that too, as well. (Laughter.)

23 Q. Okay. Did you learn from other girls that, hey,
24 Leah didn't show up last night.

25 A. Yes.

Cheri Mitchell

1 Q. And how did you react when you found that out?

2 A. I honestly don't remember. I -- I don't remember
3 being really worried. I mean, you know, on the one hand
4 obviously I knew she should have shown up, but I didn't truly
5 think that anything bad had happened to her. It just -- I
6 don't know, it just didn't seem realistic.

7 And so I think I was worried, but not -- I don't,
8 I don't know how to explain it. I mean, I knew she didn't
9 run away, because I knew that she wouldn't have run away.
10 But I just -- it was hard to understand that something might
11 have happened to her, I guess.

12 I mean I'd never had anybody in my life die at
13 that point. Like nobody. And so I just didn't -- it didn't
14 even seem like a possible solution, I guess. I don't know.

15 Q. Well, on the day following, about seven o'clock,
16 were you at a boat ramp here in the county someplace?

17 A. I guess.

18 Q. Okay. Well, did Nick show up at the --

19 A. Yes.

20 Q. And did he have anybody with him?

21 A. I think Denise was with him.

22 Q. And that's Denise Freeman?

23 A. Yes.

24 Q. And does he ask you if you know where Leah's at?

25 A. They thought that she had run away, or that I was

Cheri Mitchell

1 hiding her or something, I don't know. But they thought that
2 I knew where she was, basically; and was asking me, you know,
3 where she had run away to.

4 I remember Denise being really mad at me because
5 she thought that Leah had run away and she thought I knew
6 where she went, and she thought I would keep that from her
7 family or something. And so she was saying, you know,
8 "You've got to tell my mom where she is."

9 Q. Now, in the letter that -- or the note that Leah
10 left for you, there's an indication that there had been some
11 sort of a dispute or argument or spat that evening between
12 her and Nick. The following Saturday, were you with
13 Mr. McGuffin or did you see him?

14 A. Um, as far as, like, dates, as far as it being a
15 Saturday, I don't remember. But I did see him shortly after.

16 Q. Okay. Did you ask him, Hey, Nick, what was --
17 what was the beef or what was the argument between you and
18 Leah?

19 A. Um, I don't remember asking Nick, but I remember
20 asking Leah about it.

21 Q. Okay.

22 A. I mean, I remember asking her, you know, if they
23 were arguing because he seemed kind of angry that she was
24 coming over at all. And she just said it was because he
25 didn't want her to come over alone, which -- I don't know

Cheri Mitchell

1 why, you know.

2 She was just saying that he wanted to come with
3 her and she wouldn't let him because we hadn't spent any
4 alone time in a long time. Like, Nick was just always there.
5 And so, according to her, that was like their little spat,
6 but I honestly can't remember what he said about it.

7 Q. Okay. Did Nick ask you about what you or your
8 mom and Leah had unresolved?

9 A. Probably.

10 Q. Did you tell -- did you tell Nick how you felt
11 that Leah had changed since she started dated him?

12 A. I honestly don't remember any of this, but it
13 sounds -- I mean, it's all possible. I mean, it sounds like
14 I -- I'm sure I could have told him that.

15 Q. Okay.

16 A. I just honestly don't remember these actual
17 conversations.

18 Q. Now, there was about a six-week period of time
19 between Leah's disappearance and her body being found. Did
20 you have an opportunity to see how Nick was behaving during
21 that six-week period in time?

22 A. Um. The only time I remember, he called --
23 again, I was with my boyfriend Corey at the time -- and he
24 called me and asked me to meet him at Sturdivant Park.

25 Um, he said that there was a -- just like

Cheri Mitchell

1 inscripture underneath the bridge or something, and he was
2 sure it said "Pooh Bear," which was what Leah called him.
3 And so he thought that she was like living under there or
4 she'd been under there.

5 And so he asked me to go meet him there. And so
6 I -- you know, I asked Corey to take me down there. And so I
7 went down there. And he was, you know, real frantic and was
8 just sure that she had been there and she was living there
9 and he showed me this nothing.

10 I mean, he thought it said "Pooh Bear" and it
11 said nothing. And we were -- we were just like, "Man, he's
12 just -- he needs help; this says nothing."

13 But that was the only time I really remembered
14 seeing him. And I just thought, you know, he was just really
15 stressed-out at that point, I guess.

16 Q. Well, and looking at the police reports, there
17 was a mention that before Leah's body was found that he had
18 started dating other girls.

19 A. I heard that, but it was never something that I
20 saw.

21 Q. Okay.

22 A. I didn't -- I mean, me and Nick didn't hang out;
23 we didn't have the same friends. But I had heard that he was
24 dating another girl.

25 Q. Okay. Did you ever hear anyone tell people that

Cheri Mitchell

1 Leah was killed by Alicia Michaud and Bill Sero and Tom
2 Stemmerman?

3 A. Yes, he told me that.

4 Q. Okay.

5 A. That was when I -- I ran into him like two years,
6 three years later. That's when he told me that.

7 Q. Now, when you ran into him that two or three
8 years later, did he ask you if Leah was pregnant?

9 A. Yes, which he also asked me again when I ran into
10 him like two years ago.

11 Q. And, to your knowledge, was Leah pregnant?

12 A. Not to my knowledge.

13 Q. What else did he tell you?

14 You said you ran into him a couple of years ago.
15 What did he tell you at that meeting?

16 A. Uh, well, we were -- I was out with my fiancé and
17 we were just at a -- the dance club in Coos Bay, and he was
18 with his girlfriend at the time. And as soon as we walked in
19 they started to walk out.

20 And I think I kind of -- like, I think that maybe
21 she kind of glared at me. She was -- she didn't -- she
22 wasn't very nice to me. I'd seen her a few times. And so,
23 you know, she kind of glared at me and then they both walked
24 out.

25 And I kind of followed them, and I was like, you

Cheri Mitchell

1 know, It doesn't -- it doesn't have to be like this. Like
2 I'm not pointing fingers at you. I don't know anything
3 and -- because there -- you know, he's blamed me for a lot
4 over the years too.

5 And so I just told him, you know, This is a small
6 town; we're going to run into each other. And, you know, I
7 don't want you to think that -- because I honest -- I didn't
8 think that he had done it. So I just told him, I don't want
9 you to think that I thought that you did this. And so -- you
10 know.

11 He just told me, you know, that everywhere he
12 goes in Coquille, people are calling him a murderer. And I
13 said, Well, why don't you move if you're really not a
14 murderer. I wouldn't want to listen to that every day if I
15 hadn't done it.

16 And then we just started talking about Leah, like
17 memories. And you know, we were just out. He was talking
18 about like how bubbly and bouncy she was, and we were just
19 kind of laughing about it because she was, I mean, just
20 really bubbly. Um, but we were just -- he talked, you know,
21 really fondly of her.

22 GRAND JUROR: When was this, again?

23 THE WITNESS: This was two years, or -- yeah, it
24 was about two years ago.

25 BY MR. FRASIER:

Cheri Mitchell

1 Q. Did he say something to you about everyone knows
2 what happened to Leah.

3 A. He said that to me at the party that I ran into
4 him the first time. And that was my senior year in high
5 school, I ran into him at a party.

6 Q. Okay. And did he tell you what -- and this is
7 when he tells you about Alicia Michaud --

8 A. Yes.

9 Q. -- and Bill Sero and Tom Stemmerman?

10 A. Yes.

11 Q. Did you ask him, Gee, why don't you go to the
12 police with this information?

13 A. Yes, I did.

14 Q. And what is -- what was his response?

15 A. He said that he'd -- I don't know if he said that
16 he'd tried or that he'd thought about it, but that basically
17 they were just so caught up with blaming him that they
18 wouldn't listen to him.

19 Um, and he had said something about not
20 necessarily that he was scared of -- it was, I think it was
21 Tom Stemmerman. Not that he was scared, but that a lot of
22 people were too scared of him.

23 Because he said that everybody knows, and I was
24 like, Well, even if you don't go forward, why can't somebody
25 else go forward? And he just said that everybody was scared

Margaret Mitchell

1 of this Tom Stemmerman guy, so that was his reasoning for
2 nobody going forward.

3 Q. I think that's all the questions that I have for
4 you. Is there anything that you know that you think the
5 grand jury ought to know about this, that I've not talked
6 with you about?

7 A. Um, I don't think so.

8 Q. Okay.

9 A. I mean, does anybody else have any questions?

10 Q. That was going to be my next one.

11 Any questions from the panel?

12 GRAND JUROR: I don't think so.

13 MR. FRASIER: Okay. You're done.

14 THE WITNESS: Thank you.

15 GRAND JUROR: Thank you.

16 **TESTIMONY OF MARGARET MITCHELL**

17 (Witness sworn.)

18 BY MR. FRASIER:

19 Q. Thank you. First of all, I got to tell you, even
20 though it's kind of obvious, I've got a recorder on and we're
21 recording the proceedings here today. And it's important
22 that you speak up. Sometimes the air conditioning kicks on,
23 and you need to speak up during there.

24 And I had to talk to your daughter a little bit
25 about "uh-huh" and "huh-uh," that we need "yes" or "no."

Margaret Mitchell

1 of this Tom Stemmerman guy, so that was his reasoning for
2 nobody going forward.

3 Q. I think that's all the questions that I have for
4 you. Is there anything that you know that you think the
5 grand jury ought to know about this, that I've not talked
6 with you about?

7 A. Um, I don't think so.

8 Q. Okay.

9 A. I mean, does anybody else have any questions?

10 Q. That was going to be my next one.

11 Any questions from the panel?

12 GRAND JUROR: I don't think so.

13 MR. FRASIER: Okay. You're done.

14 THE WITNESS: Thank you.

15 GRAND JUROR: Thank you.

16 **TESTIMONY OF MARGARET MITCHELL**

17 (Witness sworn.)

18 BY MR. FRASIER:

19 Q. Thank you. First of all, I got to tell you, even
20 though it's kind of obvious, I've got a recorder on and we're
21 recording the proceedings here today. And it's important
22 that you speak up. Sometimes the air conditioning kicks on,
23 and you need to speak up during there.

24 And I had to talk to your daughter a little bit
25 about "uh-huh" and "huh-uh," that we need "yes" or "no."

Margaret Mitchell

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1 A. Okay.

2 Q. Okay. So, first of all, could you tell us your
3 name please, and where you live.

4 A. My name is Margaret Mitchell, also known as Peggy
5 Mitchell, and I live -- um, you want my address?

6 Q. Perhaps it's easier to --

7 A. Coos Bay.

8 Q. Coos Bay.

9 A. Coos Bay.

10 Q. And you're the mother of Cheri Mitchell?

11 A. Yes.

12 Q. And during the time period we're talking about
13 here; 2000, 1999 to 2000, you lived over here in the Coquille
14 area?

15 A. Yes, I did.

16 Q. Where did you live when you were over here? Do
17 you know?

18 A. On North Elm Street.

19 Q. And were you familiar with a girl named Leah
20 Freeman?

21 A. Yes.

22 Q. How did you become acquainted with her?

23 A. Um, Leah was very good friends with my daughter.
24 Best friends, for a while. And she, um, often spent two or
25 three days at a time at our home.

Margaret Mitchell

1 Q. Okay.

2 A. And -- and lived with us, stayed with us, spent
3 the night with us, and --

4 Q. What type of girl was Leah?

5 A. She was, um -- she was actually very fun. She
6 was a kind of clown. And she and Cheri, um, just romped and
7 played and laughed and -- and, um, she was -- she was kind of
8 like another daughter. She really was.

9 Q. In the fall of 1999 your daughter and Leah, they
10 became freshmen at the high school here in Coquille?

11 A. Yes.

12 Q. And at some point in time did Leah begin dating
13 an individual named Nick McGuffin?

14 A. Yes.

15 Q. Did you know Mr. McGuffin? Nick McGuffin?

16 A. Briefly.

17 Q. Okay. What can you tell us about him?

18 A. Um, I only know Nick more through my sons and
19 asking questions. He was older, so he was in, I believe my
20 oldest son's grade, Eric's.

21 And, um, and I -- I know that he was known to be
22 a hothead. Um, you know, he had a temper.

23 Beyond that, I know that when Leah began hanging
24 out with Nick, um, I know that she came to our house less and
25 less. She spent less time with us, and so we rarely saw her,

Margaret Mitchell

1 after that.

2 Q. Were you concerned about this relationship
3 between Leah and Nick to some degree?

4 A. Um, I didn't have concerns beyond the fact that
5 my daughter was her friend, and I -- and I -- and I knew only
6 through the grapevine that Nick smoked pot and Nick did
7 drugs. And as a single mom, I -- I, um -- you know, I did my
8 best to try to keep my kids from that.

9 And so my only real concerns were that my
10 daughter would fall into that situation, which she never,
11 fortunately, did.

12 Q. Was there ever an occasion, now that you have --
13 looking through the police reports, I saw some indication
14 that you had seen Leah out in front of what was referred to
15 as the Fast Mart one day, and you had a discussion with her
16 about some changes you had seen in her since she started
17 dating Nick. Do you recall that?

18 A. I don't have any recollection of that.

19 Q. Okay.

20 A. That was a long time ago, I presume.

21 Q. All right. Let's go to the day Leah disappeared;
22 June 28th, 2000.

23 She was supposed to be at your house around seven
24 o'clock; is that right?

25 A. I don't remember the exact time frame, but early

Margaret Mitchell

1 evening.

2 Q. Okay. And did she actually show up at your
3 house?

4 A. She was at our house.

5 Q. And did you see how she got there, or did she
6 just --

7 A. No, I didn't physically see it.

8 Q. What happens when she -- when Leah arrives?

9 A. When Leah arrived, I had -- I had either just
10 gotten home from a ten-day stretch of very, very long days of
11 work, or I got home just thereafter.

12 And so I remember Leah being there, and I
13 remember, instead of going into my home, going out and
14 sitting in a lawn chair and putting my feet up and letting
15 the girls kind of have the house for a little while so that I
16 could wind down.

17 Q. All right. At some point in time did your
18 daughter approach you about whether she could go jogging?

19 A. Yes, she did.

20 Q. How did you respond to that?

21 A. I responded as a mom who didn't want my daughter
22 to go out in the dark and go jogging. And I -- and I
23 remember asking her, um, if she was going to jog Leah home,
24 and then Leah was going to jog her back home -- which, of
25 course, was sarcastic -- or if she was going to jog Leah home

Margaret Mitchell

1 and then jog back by herself in the dark as she usually did.

2 And, um -- and when they told me that, "No, Mom,
3 I'm sure that Leah's not going to jog me back home," I said,
4 "You're really not going to go out tonight. I'm too tired,
5 and I just don't want you to do that."

6 Q. Okay. And was it -- did it become apparent that
7 perhaps Leah had overheard that conversation?

8 A. I'm sure she did. I was pretty loud.

9 Q. Okay. And did Leah get upset?

10 A. Yes, she did.

11 Q. And did she leave shortly thereafter?

12 A. She did.

13 Q. What happened after Leah left? Did anybody come
14 by your house?

15 A. Um, Nick returned. And try as I do, I can't pull
16 up any time frame. But I know that he returned, um, shortly
17 thereafter, and it was a short enough timeframe that I
18 remember thinking and -- and probably voicing to my daughter,
19 that there's no way he couldn't have passed her.

20 So I'm sure we're talking within about a
21 15-minute time period because it wouldn't have taken her more
22 than probably 20 minutes to walk all the way home. And if
23 she jogged, it would have been less than that.

24 So, the first time, it would have been a short
25 time frame, but I can't give you an exact.

Margaret Mitchell

1 GRAND JUROR: I'm sorry. You say Nick returned.
2 You had said you don't know how Leah got there initially,
3 it's --

4 THE WITNESS: No, I know -- I know how she got
5 there, but I didn't physically see the vehicle.

6 GRAND JUROR: Oh.

7 THE WITNESS: He dropped her off.

8 GRAND JUROR: Oh, okay. Okay.

9 THE WITNESS: He dropped her off.

10 GRAND JUROR: So then he came back at 9:00?
11 The --

12 THE WITNESS: Yeah.

13 GRAND JUROR: Okay.

14 THE WITNESS: If -- and the time frame back then
15 was clear.

16 GRAND JUROR: Okay. Yeah. I understand.

17 THE WITNESS: Okay.

18 GRAND JUROR: Thanks.

19 THE WITNESS: Okay.

20 BY MR. FRASIER:

21 Q. Now, so he comes by, she's gone, he leaves?

22 A. Yes.

23 Q. Does he come back?

24 A. Yes.

25 Q. Do you -- can you give us a rough idea how long,

Margaret Mitchell

1 how much time had passed?

2 A. Roughly, maybe an hour. And I -- and I know that
3 I had already gone to bed, and so typically after that kind
4 of a run at work, it probably, um -- ten-ish to 11:00. It
5 wouldn't have been much later than that.

6 It was late enough that I had just turned the
7 lights off, and when we heard the knock at the door I came to
8 the door and my daughter came down the stairs to the door.
9 Um, and so -- um, I'd have to just say roughly ten to 11:00.
10 I don't remember exactly now.

11 Q. Okay. Did you see him or talk with him when he
12 came back?

13 A. Um, very briefly. And, um -- and I heard his
14 voice. I wasn't going to open the door and, um -- and I
15 heard his voice and he sounded very nervous. And so, because
16 he was concerned, however this happened, um, we opened the
17 door; I stayed there, um, and Cheri had a brief conversation.

18 And then Cheri either dialed the phone and handed
19 it to him -- I don't think we really let him in the door.
20 And our phone was right there next to the door with a very
21 long cord, and so I -- I believe -- I -- I believe Cheri
22 dialed the phone and handed it to him, and called Leah's
23 mother's house.

24 Q. Okay. Now, when he comes to the door, you said
25 he seemed very nervous. Did he -- I guess what I'm trying to

Margaret Mitchell

1 figure out is how -- how was he behaving in terms of Leah not
2 there, or him not being able to find Leah. How would you
3 describe that?

4 A. You know, my only recollection is that he sounded
5 frantic enough that I couldn't say just, "No, Leah's not
6 here," and make him go away, which was my first gut instinct.

7 And so he sounded frantic enough that I let
8 Cheri, you know, open the door and dial the phone. And, um,
9 he sounded very, very, very concerned.

10 But the whole thing made no sense, because he was
11 so upset, yet he didn't check the one place she should have
12 been if she wasn't at our house. Um, especially since we
13 told her she was -- told him she was jogging home. That's
14 the one place he apparently didn't check. He said he hadn't
15 called yet; Cheri asked.

16 Q. Did it seem to you a kind of an overreaction, how
17 he was behaving?

18 A. Um, it was unusual for me to see that. I had
19 never really seen him upset or heard him in that way. So to
20 me it was a little bit of a shock. Like I said, shock enough
21 to say, "Okay, open the door."

22 Q. At a later time, do you recall having a
23 conversation with Nick about what had happened that evening?

24 A. Um, not -- not -- I really don't.

25 Q. Okay.

Margaret Mitchell

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1 A. I really don't remember that. I remember talking
2 to Nick various times, or giving him a hug at a -- at a
3 candlelight vigil or something, but I don't really remember
4 having conversations with him.

5 Q. Let me see if this will jog your memory. It was
6 in an official report that on the second of July you talked
7 with Nick and he told you that he dropped -- that before he
8 dropped Leah off at your place, Leah was bugging him.

9 A. I'm sorry, I don't remember.

10 Q. You don't remember that?

11 A. I really don't.

12 Q. Okay. Did you have an opportunity to observe
13 Nick or how he behaved in the upcoming weeks, or after Leah
14 disappeared, at all?

15 A. No, not -- not personally.

16 Q. Okay.

17 A. Oh, one -- one -- one. No, not personally.

18 Q. No?

19 A. No.

20 GRAND JUROR: Do you know -- did you have any way
21 of knowing what kind of relationship Nick had with Leah's
22 parents at that time? Did you -- I mean, would you say for
23 him to call them would have been -- he wouldn't been
24 comfortable calling them, I guess?

25 THE WITNESS: Yeah, I think he had, um -- even

Margaret Mitchell

1 though Leah's mom -- you know, moms of teenage daughters and
2 boyfriends. Even though she was, um, probably not in love
3 with that whole setup, I'm very sure they had a comfortable
4 enough relationship that he could have called or he could
5 have knocked on the door. He had been there before.

6 GRAND JUROR: Right, that day.

7 THE WITNESS: Yeah. So it -- it, um -- I'm very
8 sure that he would have been comfortable enough. Cory was
9 that kind of mom that it -- it -- she wouldn't have freaked
10 out about it. She would have been more concerned about Leah.

11 GRAND JUROR: And just so we're clear, Denny
12 Freeman, Leah's father, the mom and dad had divorced.

13 THE WITNESS: Right. They didn't live together.

14 Now, at the time, was it -- see, I'm not even --
15 I'm not even remembering where Leah was living. She was
16 living in the house next to us, I believe at the time.
17 Around the corner from us. Not with, um, Cory's parents,
18 because they later moved in with Cory's parents.

19 GRAND JUROR: And at the time --

20 THE WITNESS: See, I'm not even sure. They were
21 living with Cory's parents on Knott, right?

22 GRAND JUROR: Yes.

23 THE WITNESS: Okay. Right.

24 GRAND JUROR: Thanks. That's it.

25 MR. FRASIER: All right. Any -- I don't think I

Margaret Mitchell

1 have any other questions. Is there anything you think the
2 grand jury ought to know about this that I haven't asked you?

3 THE WITNESS: There's only one thing, and I'm
4 only bringing it up because I'm not sure if anybody else has,
5 and I know that Cory's father is since deceased, long since
6 deceased.

7 And I do, um -- and I got to know him, um, the
8 best after Leah was gone. And I visited the house several
9 times, and I had some very solid conversations with him about
10 Nick. And he -- um, he did tell me of the day that Nick --
11 and I had just missed it apparently, when I came over, that
12 Nick had a polygraph, and --

13 MR. FRASIER: No. Don't -- don't -- don't --

14 THE WITNESS: Don't talk about it?

15 MR. FRASIER: Cannot talk about it.

16 THE WITNESS: I will not. I was just going to
17 tell you what he said behavior-wise.

18 MR. FRASIER: Yeah, well --

19 THE WITNESS: But no. Then that -- then there is
20 nothing else.

21 MR. FRASIER: Okay.

22 THE WITNESS: Very little. Um, very little
23 interaction between Nick and myself.

24 MR. FRASIER: Okay.

25 THE WITNESS: Okay.

Corey Bryant

1 MR. FRASIER: Thank you.

2 Grand jury have any questions? Okay.

3 THE WITNESS: Okay.

4 MR. FRASIER: Thank you.

5 THE WITNESS: Can I ask a question?

6 MR. FRASIER: Well, why don't we step outside

7 and --

8 THE WITNESS: I just want to understand about
9 grand jury time frame.

10 MR. FRASIER: Okay. Let me turn this thing off.

11 **TESTIMONY OF COREY BRYANT**

12 (Witness sworn.)

13 BY MR. FRASIER:

14 Q. First of all, before we get started, even though
15 it's kind of obvious, I have to advise you we have a tape
16 recorder going here. A digital recorder, and we're recording
17 these proceedings, okay?

18 A. Okay.

19 Q. First of all, could you tell us your name and
20 where you live.

21 A. My name is Corey Bryant, and I live in Fernley,
22 Nevada.

23 Q. And have you lived in Coquille in the past?

24 A. Yeah, I lived here from '99 to '01.

25 Q. Okay. Did you go to high school here?

David Zavala

1 residence.

2 MR. FRASIER: Any other questions from the grand
3 jury?

4 GRAND JUROR: I can sympathize with the graveyard
5 routine. (Laughter.)

6 THE WITNESS: Yeah, you can.

7 MR. FRASIER: That's it.

8 THE WITNESS: Okay. Thank you.

9 GRAND JUROR: Thank you.

10 **TESTIMONY OF DAVID ZAVALA**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. Okay. First of all, before I forget, I've
14 started the tape recorder or the digital recorder here. So,
15 we are recording you, just to let you know.

16 A. Okay.

17 Q. First of all, sir, could you tell us your name,
18 please, and your current occupation.

19 A. First name's David, last name's Zavala. Z as in
20 Zebra, A, V as in Victor, A-L-A. And I'm a police officer
21 for the City of Keizer.

22 Q. How long have you been at the City of Keizer now?

23 A. I'm going on to 10 years.

24 Q. Prior to that, where did you work?

25 A. Prior to that I worked, uh, as a police officer

David Zavala

1 here in the city of Coquille.

2 Q. For how --

3 A. For just a little bit over a year. Um, I left
4 September of 2000.

5 Q. Okay. I want to direct your attention, sir, to
6 June 28th, 2000. Were you on duty that day, sir?

7 A. Yes, I was.

8 Q. And were you working what I think is sometimes
9 referred to as the swing shift?

10 A. Yes.

11 Q. During the course of your shift that evening, did
12 you have contact with an individual named Nicholas McGuffin?

13 A. Yes, I did.

14 Q. And could you tell us, sir, about what time of
15 the day it was and where you were at when you had contact
16 with him.

17 A. It was about, uh, 10:30. I use military time, I
18 just -- it was about 10:30. I was, um, routine patrol. I
19 was driving eastbound on Highway 42, and I saw a vehicle
20 driving, um -- I'm sorry, I was driving westbound, so I was
21 heading out that way. And I saw a vehicle coming my
22 direction, which would have been driving eastbound on Highway
23 42.

24 And I noticed that the, uh, headlight out --
25 there was a headlight out on the vehicle. I did a U-turn on

David Zavala

1 the -- on the highway there, um, once I -- to pull the
2 vehicle over.

3 Once I got behind the vehicle, I recognized the
4 vehicle as the one that, uh, Nick McGuffin drives, which is a
5 blue Mustang.

6 Q. Okay. So you pulled it over because of a
7 headlight?

8 A. Yes. I pulled it over for the -- for the
9 headlight violation.

10 Q. Okay. What happened when you contacted the
11 vehicle?

12 A. Um, I received -- can I refer to my report here?
13 Um, I remember, based on my report, he, uh, lit a
14 cigarette as I approached the vehicle. I asked him why he
15 was driving without -- with only one headlight out.

16 And he told me, um, basically in substance that
17 he was out looking for his girlfriend. I knew that his
18 girlfriend, uh, was Leah, and he asked me if I'd seen her. I
19 told him that I hadn't, but I told him I'd keep an eye out
20 for her.

21 I knew that my shift was ending there within
22 about 30 minutes. Um, I basically just told him, "Hey, make
23 sure you're not out later." I said, "With a headlight out,
24 you should -- you'd best get that fixed." And, um, he told
25 me that he'd make it quick as far as being out looking for

David Zavala

1 her.

2 And when I got back in my patrol car, he ended up
3 driving across the bridge, and I remember thinking that was
4 kind of odd at the time, because I got back on the freeway
5 and -- or on the highway, and I was thinking, "Well, if he
6 was looking for his girlfriend, I would think that he'd be
7 looking for her in town, not heading out of town."

8 Q. So I'm clearly understanding what you're saying
9 here, you're over here on 42 South, you're near Sturdivant
10 Park.

11 A. Yes.

12 Q. And -- I don't know if that map's big enough.
13 Maybe that one over there in --

14 A. Yeah, it's on that one. It would be down at the
15 bottom of that map.

16 GRAND JUROR: Where is --

17 GRAND JUROR: It's on the bottom of --it's on
18 that map.

19 GRAND JUROR: Where you stopped is on that map?

20 THE WITNESS: It's down there. Very bottom of
21 that map. Sturdivant Park, right here.

22 BY MR. FRASIER:

23 Q. Okay.

24 A. So I was traveling westbound, and he was coming
25 eastbound.

David Zavala

1 Q. And so then he turned into -- up over the bridge?

2 A. Right. And I --

3 Q. You turned onto 42 South, and goes out past the
4 park --

5 A. Or towards River Park.

6 Q. Yeah, right down here would be the --

7 A. Mm-hmm.

8 GRAND JUROR: Be 42S.

9 THE WITNESS: They don't show the river very good
10 on that one.

11 BY MR. FRASIER:

12 Q. No, they don't. (Laughter.)

13 A. But there's a river there.

14 GRAND JUROR: The road's 42S, not 42.

15 MR. FRASIER: Yeah.

16 GRAND JUROR: Coquille-Bandon.

17 BY MR. FRASIER:

18 Q. 42S. Okay. So he --

19 A. I don't know if everybody can see that.

20 GRAND JUROR: So we're clear, is he's not driving
21 into town where --

22 THE WITNESS: Correct.

23 GRAND JUROR: -- people are, he's driving out --

24 THE WITNESS: Right. And that was the -- what I
25 found odd, thinking, well, if he's out looking for her, he

David Zavala

1 would go where I would assume, like you were saying, back
2 into the town or the city, where people would be out.

3 GRAND JUROR: But you would have seen him turn
4 right of off 42, going towards Sturdivant Park then, correct?
5 And heading towards the bridge?

6 THE WITNESS: Well -- and -- and that I -- I
7 can't recall.

8 GRAND JUROR: Uh-huh.

9 THE WITNESS: I just -- I'm going based on what
10 I --

11 GRAND JUROR: You wrote here?

12 THE WITNESS: -- I wrote down on my -- on the
13 report.

14 GRAND JUROR: Right.

15 THE WITNESS: After -- the next day, after the
16 fact.

17 GRAND JUROR: Right.

18 THE WITNESS: Um, so I can't recall. I just
19 remember -- I just documented here that he drove over the
20 bridge.

21 GRAND JUROR: Oh, so -- okay. So you would have
22 probably seen him go actually over the bridge?

23 THE WITNESS: Right.

24 BY MR. FRASIER:

25 Q. Now, just so we're clear, Mr. McGuffin was -- at

David Zavala

1 the time his parents' residence was out -- to get there, you
2 would have driven out that road to get out to towards --

3 A. I -- yeah, I recall that, yeah. Now that you
4 bring that up, I -- I remember that being the case, that he
5 did live out somewhere up here in the --

6 Q. All right. But I just wanted to make that clear.
7 He could have been headed home.

8 A. Correct.

9 Q. All right.

10 A. Correct.

11 Q. Did he say his girlfriend -- he said he was
12 looking for his girlfriend?

13 A. Yes. Yes.

14 Q. How was he behaving when he -- I mean, what was
15 his demeanor like when you contacted him?

16 A. I've actually documented that, uh, he didn't --
17 and based on my notes he appeared a little nervous. And like
18 I said, he was smoking a cigarette. Um, he did not show any
19 signs of being upset.

20 Uh, and I -- but I -- and I also documented he
21 did not have any signs that he'd been crying. Um, I don't
22 know -- you know, at the time, based on my -- on my notes,
23 based on what I wrote down, um, I just made that observation
24 thinking, "Well, if he was out looking for his girlfriend,"
25 um, I don't know.

David Zavala

1 I mean, going back when we're all teenagers, I
2 mean, got in a little fight or something, and you're kind of
3 out looking for your girlfriend/boyfriend, and you're a
4 little upset. But he didn't appear that way. He seemed
5 pretty calm, other than smoking a cigarette.

6 Q. Did he, you know, "Hey, my girlfriend's missing
7 and we need to do a report. We need to get the police
8 involved. We need to call out the mounties or whoever to
9 come look for her."

10 A. No, nothing like that. He just said he was out
11 looking for her, and I said I'd -- and I'd said, "Okay.
12 Well, I'll keep an eye out for her."

13 It was real casual. We were just -- as a matter
14 of fact, nothing that was of an urgent matter.

15 Q. Now I've got some questions I need to ask you.
16 And again, I'm not trying to embarrass you or anything like
17 this, but these are questions that I want to bring up with
18 you.

19 Earlier this year there was a search warrant
20 executed at the residence of the McGuffin family, and a
21 series of documents were taken there -- from there. And
22 according to some of those documents, apparently the McGuffin
23 family believes that your DNA would be found on Leah
24 Freeman's body.

25 Is there any -- well, first of all, would there

David Zavala

1 be any reason for your DNA to be found on her body?

2 A. No.

3 Q. Okay. Did you have any contact with Leah Freeman
4 on June 28th, 29th of 2000?

5 A. That I can recall, that prior to, um, having
6 contact with Nick at the time that -- of the traffic stop,
7 no.

8 Q. Okay. They also -- well, I'll ask you this
9 question, just so we're clear: Did you have anything to do
10 with her disappearance, hiding her body, anything along that
11 line?

12 A. No.

13 Q. Okay. Finally, again I don't mean to embarrass
14 you. Just a question I need to ask is, according to this
15 paperwork, the McGuffin family for some reason believes that
16 you're associated with a Kristen Steinhoff, who's supposedly
17 an associate of Bill Sero and Tom Stemmerman, Alicia Michaud.

18 And my understanding is, is that you did know
19 Kristen Steinhoff, but you had no type of intimate
20 relationship with her?

21 A. That's correct. I knew her, but there was no
22 type of intimate relationship.

23 Q. She was a kid here in Coquille, went to the high
24 school, and --

25 A. Correct.

David Zavala

1 Q. And outside of knowing her as being a kid at the
2 high school, and maybe trying to get her into the Job Corps
3 or something like that, but you had no other --

4 A. Correct. That is a strictly professional
5 relationship. We're trying to help out -- help her out.
6 Like you said, maybe tried to get her into Job Corps.

7 Q. I don't think I have any other questions for
8 Officer Zavala, who drove down from Salem. I appreciate you
9 doing that.

10 Does the grand jury want to ask him anything?

11 GRAND JUROR: Had you had any other encounters
12 with Nick, with -- before that?

13 THE WITNESS: With Nick prior to the traffic
14 stop?

15 GRAND JUROR: That day, yeah. Right.

16 THE WITNESS: Yes. I mean, working here, I mean,
17 that was a small community. I'm assuming you guys all live
18 here. Um, just my normal shifts, I knew who he was, along
19 with a lot of the other kids. So just routine encounters,
20 whether it be law-enforcement related or just, uh, out
21 running around, going to the Quick Mart. Is that the name of
22 the little -- is that --

23 GRAND JUROR: Yeah. On the highway?

24 THE WITNESS: On the highway, as I --

25 GRAND JUROR: Yeah.

David Zavala

1 THE WITNESS: Yeah. Going there, buying a soda.
2 And the kids were -- a number of them were hanging out there,
3 and having encounters that way.

4 GRAND JUROR: Okay.

5 MR. FRASIER: Okay. Any other questions?

6 (Pause.) Okay. Thank you.

7 GRAND JUROR: Thank you.

8 THE WITNESS: Thank you guys. It's quite the
9 process, I'm sure.

10 GRAND JUROR: Oh, yes.

11 GRAND JUROR: Thanks.

12 THE WITNESS: Mm-hmm.

13 (Conclusion of CD 043.)

14

15 --oOo--

16

17 I certify, by signing below, that the foregoing, pages 1
18 through 109, inclusive, is a correct transcript of a Coos
19 County grand jury proceedings dated July 14, 2010, and
20 transcribed this 8th day of November, 2010.

21

22

23 _____
PEGGY S. JILLSON, TRANSCRIBER

24

25

Darla Baker

1 BY MR. FRASIER:

2 Q. Who was your cousin?

3 A. Jayme Austin --

4 Q. Jayme Austin, okay.

5 A. -- was my cousin. And, you know, that was, uh --
6 that was pretty tough for my aunt. Seeing her go through
7 that, you know. And, uh, she's still, you know, having a
8 tough time. And I could just imagine what 10 years would do
9 to somebody, so --

10 Q. Okay.

11 A. -- I imagine that.

12 Q. All right.

13 A. I sure hope you guys do your job, and if you have
14 any questions for me, you know where to contact me, and --

15 GRAND JUROR: We will.

16 THE WITNESS: All right.

17 GRAND JUROR: Okay? Thank you.

18 THE WITNESS: Thank you. You guys have a great
19 day.

20 MR. FRASIER: Thank you.

21 THE WITNESS: So I'm good to go now, right?

22 MR. FRASIER: Yep, you're good to go.

23 **TESTIMONY OF DARLA BAKER**

24 (Witness sworn.)

25 BY MR. FRASIER:

Darla Baker

1 Q. This is the grand jury for Coos County. We're
2 looking into the death -- the disappearance and death of Leah
3 Freeman. And I have to tell you that we're recording the
4 proceedings, even though it's probably pretty obvious what
5 we're doing.

6 First of all, could you tell us your name please,
7 ma'am?

8 A. Darla Baker.

9 Q. And you were also known as Darla Granger, years
10 ago?

11 A. Um, that's actually my step-dad's --

12 Q. Okay.

13 A. It's his name and my brother's name.

14 Q. Oh, okay.

15 A. So, it's easy to be confused. (Laughs.)

16 Q. Okay. Well, that's the name that I saw on the
17 police reports, so --

18 A. Yeah. Yeah. That's what I told them out there.
19 No, I've never been Granger. I've always been Baker.

20 Q. Always been Baker.

21 A. Yeah.

22 Q. Okay. And ma'am, do you live here in Coos
23 County?

24 A. I do not any longer.

25 Q. Okay. But did you in about the year 2000?

Darla Baker

1 A. I sure did.

2 Q. Okay. Did you know a girl named Leah Freeman?

3 A. Yes, I did.

4 Q. How did you know Leah?

5 A. Um. I went all through school with her sister.

6 We were in the same class and played sports together, and our
7 families were linked that way, and we were friends. Um,
8 Denise and I were friends, but then I probably seen her more
9 when she started dating Nick because she was quite a bit
10 younger than I was.

11 Q. Okay. And you also knew Nick McGuffin?

12 A. I did.

13 Q. Okay. And how well did you know Nick?

14 A. I thought I knew him pretty well.

15 Q. Okay. You say you thought.

16 A. Well. (Laughs.)

17 Q. Okay.

18 A. I mean, I did at that time. We were -- we were
19 really good friends. Uh, we hung out a lot up until he
20 started dating her, and he spent the majority of his time
21 with her -- with Leah.

22 Q. Did you have an opportunity to observe their
23 relationship?

24 A. I did. Um, when Nick was in a relationship, he
25 was definitely, um -- that was his main thing, you know. He

Darla Baker

1 spent his time. He picked her up from school, spent lunch
2 hours with her. Out of school, on the weekends they were
3 together. Um, I'd see him, you know, on parties on the
4 weekend and stuff. Um, so, yeah. I mean, he was always
5 there if she was around, so.

6 Q. Okay. How did their relationship go? Was it
7 good? Bad? Rocky?

8 A. Uh, she was young --

9 Q. Okay.

10 A. -- you know. So, I mean, I think he probably --
11 he was quite a bit older than her, probably had a little bit
12 higher standards. Um, she was just a kid, you know. Um,
13 there was, you know -- yeah. I mean I never seen him be
14 violent or anything like that.

15 There was a party in Powers where he -- she had
16 drank, which normally I'd never seen her drink or do drugs or
17 anything like that. She was -- she, I mean -- I don't know,
18 peer pressure or whatever, but he ended up carrying her out.
19 Um, it was a graduation party. And putting her in his car
20 and driving away.

21 Um, she was pretty quiet though, you know.
22 And -- and I think she wasn't into the same atmosphere as
23 what he was. And so, I think to avoid argument, that they
24 would just hang out with each other.

25 Q. Okay. I want to go to the day that Leah

Darla Baker

1 disappeared. We received information that you might have
2 seen Leah the night she disappeared.

3 A. Um, that's what the police said outside. That's
4 not true.

5 Q. Okay.

6 A. I -- I seen Nick and Denise the following
7 morning, pretty early in the morning --

8 Q. Okay.

9 A. -- as I was leaving town.

10 Q. So you saw Nick and Denise Freeman?

11 A. I did.

12 Q. What was going on there?

13 A. Um, they were in front of Ricky Crook's house.
14 And I think there was a couple other people around, maybe
15 more Leah's friends. Um, and Denise had asked me, "Have you
16 seen her? Have you seen Leah?"

17 And I was like, "No, I haven't."

18 Um, and at that time, you know, I just assumed
19 maybe that she was at a friend's house or, you know, if her
20 and Nick got in an argument, she just didn't want to be
21 around him.

22 Um, he was pretty reserved and didn't say a lot.
23 Um, had his arms crossed and, um -- it's pretty much when he
24 turned like a shade of white, never seen color come back.
25 And he didn't say anything. And for the situation, the

Darla Baker

1 behavior did seem a little odd because everybody knows
2 everybody, you know? You can't walk across down -- back
3 then, anyway, you couldn't. You knew everybody.

4 So that's why I was thinking, "Well, somebody
5 knows where she's at and they're just not going to tell
6 anybody," you know.

7 So, um, I, you know, hadn't seen her, and pretty
8 much just talked to Denise and he just sat back away on the
9 sidewalk, and I left town.

10 Q. Okay.

11 GRAND JUROR: Can you say that again? Who said
12 what and who turned blank?

13 THE WITNESS: Denise was the one who was -- was
14 up at my car. I was sitting in my car.

15 GRAND JUROR: Right.

16 THE WITNESS: And, you know, you could tell that
17 she was kind of emotional. And she's like, "Have you seen
18 Leah? Have you seen Leah?"

19 I said, "No, I have -- I haven't seen her."

20 Nick was back, like on the sidewalk, and he
21 wasn't -- he didn't -- I don't even think he said anything to
22 me. Which is weird because we have always been friends, you
23 know, all through school, or whatever.

24 And, um, for the situation that it was, he
25 usually didn't keep his mouth shut. And for something like

Darla Baker

1 that, for the situation that it was and, you know, apparently
2 he had drove around the whole night looking for her and
3 stuff. You know, at that point you'd think he'd be a little
4 bit more, "Okay, this is -- this is when I seen her, this is
5 where she was at. Where were you?" You know, type of thing.

6 Because at that time Denise was emotional. You
7 could tell she'd been crying, she was upset, she was looking
8 for her sister.

9 And, um, I don't think he really even said
10 anything. He just kind of stood back and, um, I say he was
11 white. His -- his -- his -- you know. And he never -- he
12 never came back from that. Whenever I'd seem him later on in
13 time or anything like that, he stayed really reserved and --
14 which is kind of strange.

15 BY MR. FRASIER:

16 Q. Okay. Outside of this contact that you talked
17 about, have you had other contacts with Nick since then?

18 A. Um, I graduated in 2001, and I moved away at that
19 time. Um, I'd seen him afterwards at a friend's house a few
20 times, um, but he never really talked. He never really, you
21 know. And he never really said anything, and it was -- like,
22 about anything. You know. Not even -- (Laughs.)

23 I mean, he was really into his car and, you know,
24 we were really good friends. I was friends with his family
25 and stuff. And me and his brother were friends for a little

Darla Baker

1 while. Um, he just, you know, closed up.

2 So, I mean, I did see him afterwards, but I
3 haven't had any real contact, um, with it.

4 Q. Okay.

5 A. Or him. That I remember. (Laughs.)

6 Q. There's a rumor around town that Leah was run
7 over by a car. Have you heard that rumor?

8 A. Yeah.

9 Q. Do you know a girl named Kristen Steinhoff?

10 A. Yeah.

11 Q. And do you know Brent Bartley?

12 A. Yeah.

13 Q. Do you know a boy named Robert Hall?

14 A. Yeah.

15 Q. Okay. There's a crazy rumor going around that
16 you might have been in the car that ran her over.

17 A. (Laughs.) No.

18 Q. Okay.

19 A. I believe -- and this is what my best friend
20 tells me, is that I was at Brent Bartley's grandma's house
21 that night. But it was 10 years ago. I don't 100 percent
22 remember.

23 But she's like, "Don't you remember Brent's mom
24 showed up the next morning and was like, 'What are you guys
25 doing here? This is Grandma's house. You're not supposed to

Darla Baker

1 be drinking or hanging out.'" "

2 And so, I believe, but I'm like, I don't -- I
3 mean it was 10 years ago, you know. A lot's happened in that
4 time period. Um, I just remember having to leave really
5 early in the morning --

6 Q. Okay.

7 A. -- like at 7:00. I had an 11-hour drive.

8 No, I was not in a car with -- I didn't -- I knew
9 Kristen. She was definitely on -- (pause.)

10 Q. Meth?

11 A. Yeah. So, no, I didn't. I knew where her house
12 was. Kind of, sort of knew the people she ran with. Um, but
13 she had been on drugs for a long time. I don't even know how
14 long it even took her to get off them.

15 Q. Okay.

16 GRAND JUROR: You said you had to leave early
17 that morning for an 11-hour drive?

18 THE WITNESS: Yeah.

19 GRAND JUROR: Where were you --

20 THE WITNESS: I was going to George, Washington,
21 at the Gorge.

22 GRAND JUROR: Okay.

23 THE WITNESS: Yeah. And so -- and I stopped in
24 Portland, picked up some friends, and we headed out. At that
25 time, I -- you know, no big deal. And came home Sunday and

Darla Baker

1 there was roadblocks up, and I'm like, wow. I'm like,
2 something really, you know, is going on here.

3 BY MR. FRASIER:

4 Q. Okay. Anything else you think the grand jury
5 ought to know?

6 A. (Pause.) No. I'm like, I -- there's been so
7 much speculation, and it's just really odd that nobody really
8 knows the real story, you know? So hopefully that's what
9 comes out of this, but -- you know.

10 Everybody that I hung with that time, we talk
11 about it all the time. Everybody that -- it is a topic of
12 conversation. Everybody wants to know, you know.

13 And for a long time, you know, you'd hear that
14 tweaker story of those people in the car, and this and that,
15 and -- you know. And people say, "Well, the police told me,"
16 you know, "that's not true." And so there's only one other
17 option that it could have been, you know? I mean, unless
18 somebody randomly came through town and something like that
19 happened, you know?

20 So, I -- I really don't have anything else to
21 say.

22 Q. Okay.

23 A. But, yeah. I don't know.

24 Q. All right.

25 A. Yeah.

Darla Baker

1 MR. FRASIER: Does the grand jury want to ask
2 anything else?

3 GRAND JUROR: You said Kristen used meth at that
4 time?

5 THE WITNESS: Oh, yeah.

6 GRAND JUROR: Okay.

7 THE WITNESS: I don't even think she was in
8 school. I don't think -- she was in my class, and I don't
9 think she -- she didn't graduate.

10 GRAND JUROR: Okay.

11 THE WITNESS: She started young. I mean probably
12 like our freshman year, is what I want to say. And, uh -- I
13 mean, she got super thin the summer going into 8th grade.
14 Like, lost like 35 pounds, and everybody's like, "God, that's
15 kind of weird." You know? Um, I think she started our
16 freshman year in high school, but she was -- yeah, she was
17 major into drugs. I mean, she was running with a crowd that,
18 you know, you just hear about, you know. I didn't really
19 know them, but when I'd see her, you know, stick thin, just
20 tiny, sunken-in, you know. Only out at night, type of thing,
21 you know? (Laughs.) You know, like, yeah.

22 I didn't hang out with her. I -- it was -- I
23 went to school with her. I knew some of the people that she
24 hung out with, in passing, and that was their same story too,
25 you know.

Darla Baker

1 MR. FRASIER: Okay. Anything else?
2 All right. That'll do it. You're free to go.
3 GRAND JUROR: Thank you.
4 THE WITNESS: All right.
5 (End of recording.)
6
7
8

9 --oOo--
10

11 I certify, by signing below, that the foregoing pages 1
12 through 115, inclusive, constitute a correct transcript of
13 FTR recordings provided of the above-entitled matter, this
14 22nd day of November, 2010.
15

16 _____
17 PEGGY S. JILLSON, TRANSCRIBER
18
19
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Thomas Bounds

1 THE WITNESS: And I -- when I thought about it
2 more, I remembered that I'd seen somebody leaning out the
3 car, or getting out, I wasn't sure which. But I forgot to
4 tell him that.

5 MR. FRASIER: Okay. All right.

6 Any other questions?

7 (Pause.) Okay. I'm going to have you talk to
8 the officers a little bit, if you don't mind.

9 THE WITNESS: Okay.

10 **TESTIMONY OF THOMAS BOUNDS**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. First of all, sir, this is the grand jury for
14 Coos County, and --

15 A. Nice to meet you.

16 Q. -- we'll be looking into the disappearance and
17 death of Leah Freeman.

18 It's obvious, but I need to tell you we're
19 recording the proceedings, okay?

20 First of all sir, could you tell us your name and
21 where you live.

22 A. My name is Thomas Bounds. Presently I live at
23 701 North Birch, No. 7. During this time of Leah's
24 disappearance I lived at 382 West Central Boulevard, No. 2,
25 which is across from the high school.

Thomas Bounds

1 Q. Okay. And you're related to some degree to --

2 A. Uh, my cousin Diane is married to Richie, and
3 Richie is Leah's uncle.

4 Q. Okay.

5 A. So she's a second cousin once removed.

6 Q. All right.

7 A. I think.

8 Q. You were -- so you were familiar with Leah
9 Freeman?

10 A. Yes, I was.

11 Q. You had known her --

12 A. I'd known her since she was a little kid.

13 Q. All right. Okay. I want to direct your
14 attention, sir, to June 28th, 2000. You indicated you were
15 living in these apartments across from the high school?

16 A. That's correct.

17 Q. Are those apartments still there, or --

18 A. Yes, they are.

19 Q. Oh, okay.

20 A. I actually lived in -- you're thinking of the one
21 behind the gas station?

22 Q. Yeah.

23 A. We were next to that.

24 Q. Next to that.

25 A. Yes.

Thomas Bounds

1 Q. Okay. Well, I guess I want to get right to it.
2 The day that Leah disappeared, June 28th, 2000, did you see
3 her that day?

4 A. Yes, I did. I saw her that evening.

5 Uh, my wife and I were going over to her mother's
6 house; she lives on Knott Street. And, uh, we had just
7 recently moved there, uh, within the last few months. And as
8 we were driving over -- it was in the evening; I don't know
9 what time. It was still daylight. We saw Leah at the high
10 school, in front, like she was waiting for somebody. Uh, one
11 of the things that we remembered was her attire, because I
12 made a comment to my wife that if it was my daughter I
13 wouldn't let her stand out there in that kind of a dress.

14 Q. Okay.

15 A. Well, actually it was shorts and a kind of like a
16 top that was midriff shown and bare shoulders. And, uh --

17 GRAND JUROR: Look at that.

18 THE WITNESS: Yeah. Oh, yeah. I've seen that.
19 That's not what she was wearing, though.

20 BY MR. FRASIER:

21 Q. That's not what she was wearing?

22 A. No.

23 Q. Okay. All right. Go on. Tell us what you --

24 A. Okay. We went over to, uh, my mother-in-law's
25 house. Spent a little time there, not long. We came back

Thomas Bounds

1 and it was dusk. It was still light, but it was starting to
2 get dark. And at that time we saw Leah over at the phone
3 booth on the phone.

4 Q. About how much time had passed between the first
5 time you saw her and the second time?

6 A. Ah. That I really couldn't tell you, but it
7 seems to me like it would have been within half an hour or
8 so, because I don't think we visited that -- that long that
9 night.

10 Q. All right.

11 A. But I couldn't say absolutely for sure.

12 Q. All right. So she's at the gas station, and by
13 the phone booth.

14 A. Right. And it was -- it was -- there was still a
15 little light left. It wasn't totally dark.

16 Q. Okay.

17 A. We went home.

18 And a little while later, I don't know how long
19 it was, but, uh, we were in the house and we heard a scream,
20 at which point I went outside and listened.

21 Q. Okay.

22 A. I listened for several minutes, because I was
23 imagining those apartments there. I never heard nothing
24 after that, so I went back into the house.

25 Q. Okay. A scream. Was it like a woman's scream?

Thomas Bounds

1 A. Yes. It was a high-pitched, sounded like a
2 child. And that's why after I listened for a bit and didn't
3 hear nothing else that -- because kids do that sometimes.
4 They scream at each other when they --

5 Q. Yeah.

6 A. You know, when one drives by another. But, uh, I
7 did go outside; I did listen; and I didn't hear anything
8 after that.

9 Q. All right. Where the apartments are -- and I
10 know this is kind of a difficult question to ask you, but
11 could you kind of tell from what direction the scream came
12 from?

13 A. Yes, I could. It sounded like it was over --
14 high school, um, the old, um -- the set of buildings that are
15 next to us.

16 Q. Okay.

17 A. Okay. It sounded like it came -- came from that
18 direction.

19 Q. All right. Now, there's a road over there with
20 the cemeteries --

21 A. Right.

22 Q. -- and the -- was it --

23 A. Right. Yeah. It sounded like it was in that
24 area.

25 Q. Okay.

Thomas Bounds

1 A. Or in that direction -- general direction.

2 Q. All right.

3 A. Now, if you looked at it in a pie shape, it would
4 probably be a direction like this that would include, uh,
5 towards the end of the Courtney problem -- property --

6 Q. Right.

7 A. -- and towards the high school. Basically in
8 that direction.

9 Q. Okay.

10 A. I couldn't say exactly that it did come from the
11 cemetery, just that it sounded from that direction.

12 Q. From that direction. Okay. You're aware that
13 one of Leah's shoes was found on that road.

14 A. Uh, several days later. They were -- it was
15 found in the hedge, wasn't it?

16 Q. Actually it was found in the middle of the road.

17 A. Middle of the road?

18 Q. Yeah. Was this in the same general area that --

19 A. Oh yeah.

20 Q. -- where the scream had come from?

21 A. Oh, yeah. Yeah. Because the pay phone is right
22 there on that road next to the cemetery. Of course, I don't
23 think the pay phone is functional anymore.

24 Q. Okay. With cell phones, pay phones have kind of
25 disappeared.

Thomas Bounds

1 Okay. Now, did you know Nick McGuffin at all?

2 A. No.

3 Q. Okay. Did you -- you haven't had any contact
4 with him?

5 A. No. No, I -- I'm -- they don't hang around us
6 old farts.

7 Q. Yeah, well -- yeah, I understand that.

8 Okay. Is there anything else you want the grand
9 jury to know about this that I've forgotten to ask you about?

10 A. That's -- that's all I know for sure.

11 Q. Okay.

12 A. Anything else, it was just innuendo and gossip.

13 Q. Okay.

14 A. But those facts I know for certain.

15 Q. You saw Leah that night --

16 A. That's right.

17 Q. -- by the high school. Then a little later over
18 at the gas station --

19 A. At the pay phone.

20 Q. -- pay phone.

21 A. And it was twilight. It was -- like I said, it
22 wasn't quite dark yet, but there was still a little light
23 left.

24 Q. Right. Okay.

25 A. When I heard the scream, it was dark.

Thomas Bounds

1 Q. It was dark.

2 A. But I couldn't tell you what the time span was
3 from the time we saw her in the pay phone.

4 Q. Okay.

5 A. It must have been enough so I didn't think it was
6 her --

7 Q. Okay.

8 A. -- because I would have investigated if I would
9 have thought that.

10 Q. Okay.

11 A. But if I would have heard other noises following
12 the scream, I would have also investigated.

13 Q. Okay.

14 GRAND JUROR: Where's this -- where's this phone
15 booth at? Over by Shell -- what's the Shell station now?

16 THE WITNESS: Yes.

17 MR. FRASIER: Okay.

18 THE WITNESS: And at the time they had those
19 brick apartments, were still there.

20 GRAND JUROR: Okay.

21 THE WITNESS: The ones that they had tore down.

22 GRAND JUROR: Okay.

23 THE WITNESS: And I think it was --

24 MR. FRASIER: Those brick apartments were where
25 there's now storage units --

Thomas Bounds

1 THE WITNESS: Correct.

2 MR. FRASIER: -- there?

3 THE WITNESS: Well, they tore them down in two
4 stages. Um, both stages were still there when this all
5 occurred.

6 MR. FRASIER: Okay.

7 GRAND JUROR: Were they -- were they abandoned,
8 then?

9 THE WITNESS: I think the front ones may have
10 been. I couldn't tell you for sure. Because that's one of
11 the things I thought was, well, if someone heard a scream,
12 it's right next to the Courtney's property; that someone
13 would have investigated otherwise. But -- Because I'm a
14 whole 'nother piece of property away.

15 MR. FRASIER: Okay. Anything else?

16 GRAND JUROR: Could you describe what she -- what
17 you thought she was wearing?

18 THE WITNESS: She was wearing -- I don't know,
19 from some reason it comes to mind as like a Spanish top. You
20 know, there's the midriff was showing, and I think she had,
21 like, bare shoulders and it was kind of like, "poofied." And
22 she was wearing a pair of shorts. Uh, I seem to think maybe
23 they were white, but I couldn't guarantee that.

24 And it seems like the top was maybe yellow or
25 blue. I could be wrong with that too. The colors I couldn't

David Jenkins

1 tell you for sure. But I do -- that's the reason it kind of
2 stuck in my head, because when I saw her standing out there I
3 made the comment that if it was my daughter I wouldn't let
4 her be standing out there in that kind of a dress.

5 GRAND JUROR: Like a tube top.

6 THE WITNESS: Right.

7 GRAND JUROR: Sounds kind of like --

8 THE WITNESS: A tube top. Yeah.

9 I know if her mother knew she was dressed like
10 that, she wouldn't be standing out there dressed like that.
11 Kids have a tendency to hide clothes; wear one thing when
12 they're at home, and when they leave they change.

13 (Pause.)

14 MR. FRASIER: Okay. Any other questions?

15 Okay. That will do it sir. You're free to go.

16 GRAND JUROR: Thank you.

17 THE WITNESS: Thank you.

18 GRAND JUROR: Thank you.

19 **TESTIMONY OF DAVID JENKINS**

20 (Witness sworn.)

21 BY MR. FRASIER:

22 Q. First of all -- I guess maybe I can move up just
23 a bit, but -- could you tell us your name, please, sir, and
24 where you live.

25 A. David Jenkins. I live in Coquille, right outside

Heidi Crook

1 THE WITNESS: It was dark blue.

2 GRAND JUROR: And did I understand correctly that
3 right after the disappearance of Leah, that their attitude
4 and demeanor changed?

5 THE WITNESS: Right. Bill's demeanor and his
6 personality totally changed. Tom just switched things up in
7 his house, and it was just, you know, coincidental. They're
8 hanging out. They don't want to talk around me at that time
9 anymore. And I just -- it was too weird for me.

10 GRAND JUROR: Did they come to Coquille often?

11 THE WITNESS: Um, Bill seemed to. He seemed to
12 go to Bandon and Coquille all the time, but I think the
13 one -- I think the mom or something lived over here. Erica's
14 mom. So, I don't know about Tom.

15 MR. FRASIER: Anything else?

16 (Pause.) Okay, sir. That will do it. You're
17 free to go.

18 THE WITNESS: Thank you.

19 GRAND JUROR: Thank you.

20 **TESTIMONY OF HEIDI CROOK**

21 (Witness sworn.)

22 BY MR. FRASIER:

23 Q. First of all, this is the grand jury for Coos
24 County, and we're looking into the death of Leah Freeman. I
25 think it's obvious, but I got to tell you we're recording the

Heidi Crook

77

1 proceedings here today.

2 First of all, could you tell us your name and
3 where you live.

4 A. I'm Heidi Crook, and I live in -- my address?
5 Or --

6 Q. Just where you live.

7 A. Okay. I live in Coquille, Oregon.

8 Q. Okay. How old are you?

9 A. I'm 30.

10 Q. And in the year 2000 you would have been 20?

11 A. Yep.

12 Q. Okay. Did you know an individual or do you know
13 an individual named Nick McGuffin?

14 A. Yes.

15 Q. And how do you know Mr. McGuffin?

16 A. Um, through school. And he used to be friends
17 with my brother.

18 Q. Okay. And your brother's name is?

19 A. Ricky Crook.

20 Q. Okay. How close were you with Nick, would you
21 say?

22 A. I wasn't really close to him.

23 Q. Okay.

24 A. He was a few grades behind me.

25 Q. Okay. So you didn't hang out with him or

Heidi Crook

1 anything like that?

2 A. Not that I know of. He hung out with my brother.

3 Q. Okay. Did you -- did you know Leah Freeman?

4 A. Um, I know her sister. I knew her sister.

5 Q. Denise?

6 A. Yeah. I knew who she was, but I didn't know her.

7 Q. Okay. Did you associate with Leah at all?

8 A. No.

9 Q. Did you know that Nick McGuffin and Leah Freeman
10 were boyfriend/girlfriend?

11 A. Yeah.

12 Q. Did you have -- did you know anything about how
13 well they got along, that type of thing?

14 A. No.

15 Q. Okay. I want to direct your attention now to
16 June 28th, 2000. That would have been the day that Leah
17 disappeared.

18 Do you know a girl named Heather Reid?

19 A. Yes.

20 Q. And were you with Heather that night?

21 A. Yes.

22 Q. Could you tell the grand jury where you were,
23 about what time it was, what you saw, that type of thing.

24 A. Um. I was driving in a car with Heather Reid,
25 and we were driving along Central. And this is about nine

Heidi Crook

1 o'clock, and we -- it was Hunter's at the time, restaurant.
2 And we saw Leah walking on Central towards the stoplight,
3 with her arms crossed like she was cold.

4 Q. Okay. Which way was she going?

5 A. Towards the stoplight.

6 Q. Okay. That would have been towards the high
7 school?

8 A. Yeah.

9 Q. All right. That used to be a blinking red light
10 up by the bank. I just wanted to make sure which direction
11 we were going, okay?

12 A. Oh, okay.

13 Q. How was she dressed?

14 A. She had a white tank top on. So I remember, I
15 remember.

16 Q. Okay. There's a picture there -- right there.

17 A. I think that was the same one.

18 Q. Okay.

19 A. Well, it was white like that.

20 Q. Right. Okay.

21 And how was she walking? I mean, was she walking
22 fast? Did she look like she was upset?

23 A. She looked like she was cold.

24 Q. Okay.

25 A. Like -- I don't know if she was walking fast,

Heidi Crook

1 slow. I don't -- I'm not really sure.

2 Q. Okay. And she was in front of Hunter's, the
3 restaurant?

4 A. Yeah. Mm-hmm.

5 Q. Which direction were you headed?

6 A. The opposite of her.

7 Q. Okay. So you were headed towards downtown?

8 A. Yeah.

9 Q. What side of the street was she on?

10 A. She was right in front of Hunter's.

11 Q. So she was on that side of the street?

12 A. Yeah, on that --

13 Q. Okay. And where were you headed at that time?

14 A. To Heather Reid's house, or the place she was
15 staying at the time.

16 Q. Okay.

17 A. The Leap (phonetic) residence, behind Safeway.

18 Q. Okay. So you take Heather home?

19 A. Well, we --

20 Q. Well, to where she was staying?

21 A. We got back to her -- to her place, I remember it
22 was 9:05.

23 Q. Okay.

24 A. We got back, because we had to put her kid to
25 bed.

Heidi Crook

1 Q. All right.

2 A. That's why I remember.

3 Q. And how long were you there?

4 A. I think I stayed -- no, I didn't stay the night
5 there.

6 Q. Okay.

7 A. I'm not really sure.

8 Q. Well, I'm going back to your statement --

9 A. I'm not sure.

10 Q. -- sets it up about you. You went back home, or
11 you drove home, or you drove someplace else. And you didn't
12 see Leah as you were driving down Central?

13 A. I don't remember.

14 Q. Okay. I want to talk with you about some things.
15 There's been some rumors flying around town. There's been
16 some people that police have interviewed.

17 First of all, do you know a young man named Jamie
18 Thurman (phonetic)?

19 A. I used to know him, a long time ago.

20 Q. A long time ago you used to know him?

21 A. Yeah.

22 Q. Do you know a Nicole Lindsey (phonetic)?

23 A. Yeah, I know who she is.

24 Q. Okay. We've got a couple of people that claim
25 that you were -- that you claimed that you heard Jamie

Heidi Crook

1 Thurman say that Bill Sero killed Leah.

2 A. I haven't seen Jamie Thurman since, like, high
3 school.

4 Q. Okay. All right. So I guess I'm going to back
5 up and ask you this question. Have you ever heard Jamie
6 Thurman say that Bill Sero killed Leah Freeman?

7 A. No.

8 Q. Okay. So if people are running around saying
9 that you are quoting Jamie Thurman, that's -- they're not
10 telling the truth?

11 A. Hmm-mm.

12 Q. Okay. That's a no?

13 A. Yeah. No.

14 Q. Okay. Now that we make sure we're clear for the
15 cameras and so -- okay.

16 A. Okay.

17 Q. There's some other people that say that you've
18 told people that Leah was killed when she was backed over by
19 a car.

20 A. Hmm. There was a rumor going around that she got
21 run over -- hit by a car, but --

22 Q. Okay.

23 A. -- I never heard the backed over by a car.

24 Q. All right. So -- well, I guess maybe the
25 question I should have asked you, because I've got some other

Heidi Crook

1 things about other people supposedly saying things, but do
2 you know how Leah Freeman died?

3 A. No.

4 Q. Do you know who killed Leah Freeman?

5 A. No.

6 Q. Okay. So, do you know who a Tom Stemmerman is?

7 A. Yeah.

8 Q. Have you ever told people that Tom Stemmerman
9 killed Leah Freeman?

10 A. I've told people, yes, that I've heard that Tom
11 Stemmerman had something to do with it.

12 Q. Okay. All right. And have you ever spoken to
13 Tom Stemmerman about this incident --

14 A. No.

15 Q. -- about Leah Freeman?

16 A. No.

17 Q. Have you ever heard Mr. Stemmerman say, "I killed
18 Leah Freeman?"

19 A. No.

20 Q. Okay. The stuff that you've been telling people
21 about has been what? How -- where did you get this
22 information that Tom --

23 A. It was a rumor going around town. I don't
24 remember specifically who told me that, but --

25 Q. Okay.

Heidi Crook

1 A. -- it was a rumor. I haven't seen Tom since I
2 found that -- that I heard that rumor. I haven't seen him.

3 Q. Okay. Do you know this Bill Sero character?

4 A. I did, yes.

5 Q. Okay. And have you had to -- Bill Sero, did he
6 ever tell you that he killed Leah Freeman?

7 A. No.

8 Q. All right. But you've heard rumors that he
9 killed her?

10 A. Yeah, mm-hmm.

11 Q. Okay.

12 A. Yes.

13 GRAND JUROR: Could I, uh --

14 MR. FRASIER: Go ahead.

15 GRAND JUROR: Then anything that you've repeated
16 is rumor, that you've heard, in relation to the death of
17 Leah --

18 THE WITNESS: Yeah.

19 GRAND JUROR: -- or to whether Stemmerman or
20 Sero --

21 THE WITNESS: Mm-hmm.

22 GRAND JUROR: -- killed her?

23 I get -- I guess what I'm -- what I'm asking is,
24 is what you -- if -- if you said to anybody that so-and-so --
25 supposedly so-and-so or -- or Stemmerman killed Leah --

Heidi Crook

1 THE WITNESS: Yeah.

2 GRAND JUROR: -- that you were repeating rumor
3 and not factual knowledge?

4 THE WITNESS: Yeah. I wasn't there, so I -- I
5 don't know if it was a fact or not.

6 GRAND JUROR: Okay. Thank you.

7 GRAND JUROR: Well, allow me a little closer.
8 I'll take it a step further.

9 Has anybody confessed to you that they killed
10 Leah Freeman?

11 THE WITNESS: No.

12 GRAND JUROR: All right.

13 BY MR. FRASIER:

14 Q. Okay. Do you know a Kristen Steinhoff?

15 A. Yes.

16 Q. How well do you know Kristen?

17 A. I used -- I used to know her really well, or I
18 thought I did.

19 Q. Okay. Are you close with her now?

20 A. No.

21 Q. Okay. How long have you guys not been talking or
22 whatever?

23 A. Um, I talked to her twice since she had her first
24 child, and I don't know how old -- probably nine years, ten
25 maybe.

Heidi Crook

1 Q. Okay. At the time that Leah Freeman disappeared,
2 you and Kristen were still close at that time?

3 A. We were still hanging around each other, yeah.

4 Q. Okay. Has Kristen Steinhoff talked with you
5 about the night that Leah disappeared?

6 A. (Pause.) No.

7 Q. I've got information that said that Kristen
8 Steinhoff told you that she and Nick drove around the night
9 that Leah disappeared.

10 A. She did tell me that --

11 Q. Okay.

12 A. -- so we did talk. That's --

13 Q. Okay. Tell us what Kristen told you.

14 A. -- the only conversation we had about it.

15 Q. Okay.

16 A. She told me that -- oh, she was trying to tell me
17 that my brother wasn't at home that night that Leah
18 disappeared. She was arguing with me about it or something.

19 Q. Okay.

20 A. And she said that she drove Nick around, looking
21 for Leah.

22 Q. All right. Okay. So we're clear, the night that
23 Leah disappeared, your brother Ricky Crook was at home
24 asleep.

25 A. Yeah.

Heidi Crook

1 Q. All right.

2 A. That's what my mom said.

3 Q. That's what your mom said.

4 A. I mean --

5 Q. Okay. And Kristen was trying to tell you that
6 no, Ricky was out doing stuff, right?

7 A. Yeah.

8 Q. Okay. And then Kristen told you that she and
9 Nick drove around that night looking for Leah Freeman?

10 A. Mm-hmm.

11 Q. Yes?

12 A. Yes.

13 Q. Okay. Did she tell you which car they were in?

14 A. No.

15 Q. Do you recall telling the police they were in a
16 borrowed car?

17 A. She was -- I remember -- I didn't say Nick was.
18 I mean, I remember saying that Kristen had borrowed a car and
19 was driving around in a borrowed car.

20 Q. Okay.

21 A. I don't know if that's when Nick and her were
22 driving around.

23 Q. All right. And did you have any indication that
24 Nick McGuffin and Kristen were having a sexual relationship?

25 A. Now I do.

Heidi Crook

1 Q. Okay. How do you know that now?

2 A. Because that's -- well, I think that now.

3 Q. Okay.

4 A. Just because that's the way she was. I don't
5 know, though.

6 Q. Okay. Do you recall something about Kristen
7 showing you a necklace?

8 A. Yes.

9 Q. Tell the grand jury about this necklace.

10 A. Well, I was in her grandma's -- at her grandma's
11 house talking with her. And she -- I was in her bedroom with
12 her, and she showed me this necklace. They were still
13 looking for Leah then.

14 And she pulled out this necklace. It was, like,
15 a beaded necklace, like a homemade one, that said -- it had
16 Nick's name in beads. And she told me that she found that in
17 her stuff.

18 That when she lived at this guy named Rick
19 Henthorn's house, it was in -- she had stored her stuff there
20 or something. And when he gave her back her stuff, that that
21 necklace was in there.

22 I didn't think it was odd until --

23 Q. Okay.

24 A. -- later, I'm thinking back.

25 Q. Now --

Heidi Crook

1 A. That was kind of creepy. We didn't know anybody
2 else named Nick that I knew of --

3 Q. Okay. So --

4 A. -- around then. So.

5 Q. All right. When she had her stuff stored at this
6 other guy's place, was that before or after Leah disappeared?

7 A. Before.

8 Q. Okay. And she got it back before Leah
9 disappeared, or --

10 A. She didn't tell me that part.

11 Q. Okay.

12 A. Somewhere, she said, "This, isn't it weird?"

13 Q. Okay. All right. Did she represent to you that
14 this necklace, the "Nick" was supposed to be Nick McGuffin on
15 the necklace?

16 A. No, she acted like she didn't know where it came,
17 like --

18 Q. Okay.

19 A. I don't know.

20 Q. Where it came from. Okay.

21 A. Yeah.

22 Q. Have you ever heard Kristen say that she killed
23 Leah Freeman?

24 A. No.

25 Q. Okay. We got a couple of people saying that --

Heidi Crook

1 or repeating -- I guess what they're saying is, is, "I've
2 talked to Heather" -- or not Heather -- "Heidi. Heidi told
3 me that Kristen said she killed Leah so she could be with
4 Nick McGuffin."

5 A. No. That's not --

6 Q. Have you ever said anything like that?

7 A. No.

8 Q. All right.

9 A. I might have said she probably killed her just to
10 get with Nick. I might have said that.

11 Q. Okay.

12 A. But not that she confessed to me.

13 Q. All right. Based on what you saw, she was
14 interested in having some sort of relationship with Nick?

15 A. She could have, yeah.

16 Q. All right. Kristen never told you that she had
17 killed Leah Freeman?

18 A. No.

19 Q. Okay. And again, I think I've asked you this
20 already, do you know who killed Leah Freeman?

21 A. No.

22 MR. FRASIER: All right. I don't think I have
23 any other questions for Ms. Crook.

24 Does the grand jury have anything they want to
25 ask her?

Josh Ernler

1 (Pause.) I guess you're lucky today. Okay?

2 THE WITNESS: Okay. All right.

3 MR. FRASIER: Thank you.

4 THE WITNESS: Thank you.

5 MR. FRASIER: Yep, you're free to go.

6 **TESTIMONY OF JOSH ERNLER**

7 (Witness sworn.)

8 BY MR. FRASIER:

9 Q. First of all, this is the grand jury for Coos
10 County. We're looking into the disappearance and death of
11 Leah Freeman. It's obvious, but I've got to tell you I'm
12 recording. Okay?

13 First of all, could you tell us your name,
14 please, and where you live, sir.

15 A. Josh Ernler. Myrtle Point, Oregon.

16 Q. And how old are you, sir?

17 A. Uh, 26 right now. I'll be 27 in three days.

18 Q. Okay. The year 2000, that would have made you
19 16, 17?

20 A. Yeah, somewhere around there.

21 Q. Were you -- did you go here in Coquille?

22 A. Yeah, I went to Coquille schools.

23 Q. While you're -- well, did you know an individual,
24 or do you know an individual named Nick McGuffin?

25 A. Yeah, I know who he is.

Josh Ernler

1 (Pause.) I guess you're lucky today. Okay?

2 THE WITNESS: Okay. All right.

3 MR. FRASIER: Thank you.

4 THE WITNESS: Thank you.

5 MR. FRASIER: Yep, you're free to go.

6 **TESTIMONY OF JOSH ERNLER**

7 (Witness sworn.)

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17 A. Uh, 26 right now. I'll be 27 in three days.

18 Q. Okay. The year 2000, that would have made you
19 16, 17?

20 A. Yeah, somewhere around there.

21 Q. Were you -- did you go here in Coquille?

22 A. Yeah, I went to Coquille schools.

23 Q. While you're -- well, did you know an individual,
24 or do you know an individual named Nick McGuffin?

25 A. Yeah, I know who he is.

Josh Ernler

1 Q. Okay. How close, or how well do you know him?

2 A. I've never really hung out with him. I never was
3 friends with him that I now remember at this point. I
4 remember him in school. I remember him -- you know, I mean,
5 I hung out a few times or whatever, but --

6 Q. Okay.

7 A. -- never more than -- had any slumber parties or
8 sleepovers at his house or nothing, you know? I mean, I --

9 Q. Okay. And since you guys graduated, you haven't
10 been, you know -- go, like to the bars or anything?

11 A. No. No. I think the last time I seen him was at
12 Gay '90s, and I didn't speak much.

13 Q. Gay '90s this year?

14 A. Uh, no, not this year. It's been probably, I
15 think two years ago, three years ago, the last time I came
16 over and went.

17 Q. Okay. Did you know Leah Freeman?

18 A. I knew who she was.

19 Q. And how did you know her? Again --

20 A. Uh, well, wait. My mom's boyfriend is her
21 daughter -- his daughter Melissa Bernoli (phonetic) was
22 friends with her, and that was kind of like my stepsister; I
23 remember her from then. And I just remember her from school.
24 I knew her sister, uh, Denise. I've known Denise for years
25 and years and years.

Josh Ernler

1 Q. Okay. So you're -- I'm not trying to put words
2 in your mouth or anything, but you're more associated with,
3 say, Denise or whatever. You don't --

4 A. Yeah, yeah. I'm not -- I'm not -- not familiar
5 right now. I never --

6 Q. Okay.

7 A. -- never was really, you know, closely associated
8 with Leah or Nick. You know, I mean I knew -- like I said,
9 knew both of them. I knew Nick better by far than I knew
10 Leah, you know.

11 Q. Okay. Were you aware that they were
12 boyfriend/girlfriend?

13 A. Yeah.

14 Q. Did you have an opportunity at the school or
15 wherever, to observe how they behaved with each other?

16 A. You know, I -- I don't really remember a lot of
17 that stuff. You know, it's kind of, uh -- well, I -- I quit
18 school whenever I was like a junior and like it -- first part
19 of my junior year --

20 Q. Okay.

21 A. -- or in my sophomore year, so I didn't really
22 spend a lot of time, you know. Like I said, I just kind of
23 bounced around with everybody, and --

24 Q. Okay.

25 A. -- I turned into a -- a 15-year or 16-year-old

Josh Ernler

1 and, you know, 17-year-old dumb-ass, I guess you could say.

2 Excuse my language, sorry about that.

3 I mean, that's the best way to put it, you know.

4 I mean --

5 Q. All right. Well, let's go to day -- the last day
6 that Leah's seen, the 28th of June, 2000. I've had some
7 information that you -- well, first of all, do you know Aaron
8 West?

9 A. Yeah.

10 Q. And David Jenkins?

11 A. Yeah.

12 Q. Okay. And that evening, were you at the Fast
13 Mart that evening?

14 A. Yeah, I was at -- at the Fast Mart that evening.

15 Q. And around seven o'clock, does Nick McGuffin show
16 up?

17 A. (Laughs.) Now you're running time frames, and
18 that's -- you know, it's been a long time ago. I don't know
19 what time, but, yeah, I do remember Nick coming up there. I
20 don't know if it -- from all the papers and everything else,
21 and I just went through the report out there and read back
22 what I said before, and I -- I said that he was driving a
23 different car than he was at the mill pond. And, you know,
24 like I said, I do remember that, sort of.

25 Q. Okay.

Josh Ernler

1 A. You know, like it's not -- like I said, this is
2 all --

3 Q. All right. Well, let's --

4 A. You know, that's a long -- that was a long time
5 ago. I would -- you know, I was a pothead back then, and --
6 you know. That's -- that's about all I need to say about
7 that one. I mean, it --

8 Q. Well, let me ask you a few questions about
9 when -- when Nick shows up at the Fast Mart, is he driving
10 that blue Mustang, do you recall?

11 A. Gee, I don't remember. Like I said, I -- you
12 know, I -- I don't really, honestly, right now --

13 Q. Okay.

14 A. -- I don't remember what he was driving, but I
15 know in my report that I said that he was driving that. I'm
16 not a liar.

17 Q. Okay.

18 A. I don't lie. So, if I seen him driving that in
19 there, or I said that then, then the chances are that that's
20 what I'd seem him driving was the blue Thunderbird or
21 Firebird or whatever it was.

22 Q. How was Nick acting, do you recall?

23 A. I mean, I don't -- I don't remember.

24 Q. I remember going through the reports, he seemed
25 to be upset with Leah. You said something like he wasn't

Josh Ernler

1 happy that day because of Leah. It was the third day in a
2 row he was having problems with Leah.

3 A. Gee, I -- I don't remember saying any of that
4 stuff. I just read through the report and said that --

5 Q. Okay.

6 A. And it said in there, that said -- that I said a
7 bunch of things that I don't remember saying either.

8 Q. Okay.

9 A. I don't, uh --

10 Q. Well, do you guys eventually go out to Johnson
11 Mill Pond?

12 A. Uh, yeah. Yeah, I remember we went out there.

13 Q. And what happened?

14 A. I don't remember the -- if we were hanging out
15 before that or whatever.

16 Q. Okay.

17 A. I just -- yeah, we went out there, and we smoked
18 some pot, and came back into town in separate vehicles or
19 whatever. You know, I was with Aaron, and I guess David. I
20 don't really remember that -- David being there. I remember
21 somebody else being there; I didn't remember it was David,
22 but --

23 Q. Oh, okay.

24 A. He -- we just went over that out there, and --

25 Q. All right.

Josh Ernler

1 A. Came back into town, and probably one of the --
2 with the -- as I remember, we went to Fast Mart and hung out
3 there. And that was like, you know -- you know, a
4 park-and-hang-out place for all the kids.

5 Q. Okay.

6 A. And, uh, from there, that's when I remember I --
7 we seen Nick.

8 And I do remember seeing him come back to Fast
9 Mart that evening. Time-frame-wise, you know, I'd say in 15
10 to 20 minutes later in there. And I -- I don't remember if
11 it was 15, 20 minutes or, you know, to the next day.

12 You know, I mean, right now I'm -- you know, I
13 don't want to say anything that --

14 Q. All right.

15 A. -- you know, that's --

16 Q. When he comes back to Fast Mart, does he say
17 anything? Does he ask any questions?

18 A. I -- I don't honestly remember, you know, any of
19 the conversation.

20 Q. Okay.

21 A. I don't remember a lot of what happened, you
22 know, back then. I was --

23 Q. Okay.

24 A. It's been a long time ago, and --

25 Q. Well, going through -- did you testify at the

Josh Ernler

1 grand jury originally, too?

2 A. Yeah. Yeah, I did.

3 Q. Going back through your testimony, do you recall
4 he comes, he's in the Mustang; he leaves, and he comes back,
5 and then he's in the T-bird. Do you recall anything about
6 that?

7 A. No. Like I said, I know I said he was in the --
8 driving the T-bird when he came back in there, whatever.

9 Q. Okay.

10 A. And, like I said, you know, I'm not a liar.

11 Q. Okay.

12 A. I'd -- I'd be all -- I don't have any reason to
13 cover up for anybody or do anything like that. So, you know,
14 I mean, what I said was to the best of my knowledge that I
15 know, you know. I mean, like I said, you get -- you're
16 grant -- you're dealing with somebody who was smoking pot,
17 so --

18 Q. Okay.

19 A. -- I mean, I -- that does affect your memory, and
20 I'm feeling that right now, you know. These -- this many
21 years later, you know. I mean, I -- I don't smoke pot
22 anymore.

23 Q. Okay.

24 A. I haven't in years and years and years, you know.
25 I got away from being a -- I already said it once, I'm not

Josh Ernler

1 going to do it again. (Laughs.)

2 Q. One of the things that's come up in the
3 investigation is that there's this rumor floating around that
4 on the evening that Leah disappeared that there was a party
5 out in Fairview. And in this rumor that's floating around,
6 it says that you and Aaron West and Nick and Leah were at
7 this party.

8 Now, first of all, do you know anything about a
9 party that night out in Fairview?

10 A. Uh, yeah, I heard many -- I heard that rumor, but
11 I -- I didn't hear it with me and --

12 Q. Okay.

13 A. -- no. No, that ain't the truth, man. That
14 is --

15 Q. Okay. All right. Well, did you go out to a
16 party that night?

17 A. No.

18 Q. Okay.

19 A. I mean I -- not that I remember at all that
20 night --

21 Q. All right.

22 A. -- going out to a party.

23 Q. And you saw Aaron and Nick in town that evening,
24 not out at the -- they obviously weren't at another place
25 like the rumor?

Josh Ernler

1 A. I -- I -- Aaron was my friend with me or
2 whatever. He stayed at my house all -- you know, off and on
3 between his parents' house, my house in town, for quite a
4 while there. I don't, like I said, recall much -- much more
5 towards the evening and --

6 Q. Okay.

7 A. -- you know, what happened. Like I said, man,
8 it's been a long time ago, you know.

9 Q. All right.

10 A. It's just all, I -- you know, I went out there
11 and read through that and tried to jog my memory, and -- you
12 know, I remember what was going on but, you know --

13 Q. Okay.

14 A. -- I guess I didn't remember --

15 Q. Well, what I'm trying to do here is there's this
16 rumor, and --

17 A. Well, that's absolutely not the truth.

18 Q. Okay.

19 A. That night, I didn't go out to any party.

20 Q. Okay.

21 A. I know that I heard that a guy I went to school
22 with, they were partying out towards that way, and that was
23 John Sennik (phonetic).

24 Q. Okay.

25 A. And I remember being here --

Josh Ernler

1 Q. The Senniks. So he's Dr. Sennik's son?

2 A. Yeah.

3 Q. And they live just right out of town.

4 A. Yeah, that's -- that's his -- just right out of
5 town. I remember hearing all about that, and that party out
6 there right after all this happened. I remember that. And
7 they said that all those guys were doing acid, and --

8 Q. Yeah.

9 A. -- stuff. And I'm -- I don't do none of that
10 crap, you know. Like I said, I was a pothead. (Laughs.)

11 Q. Okay.

12 A. You know, I mean.

13 Q. Now, I'm going to change subjects on you again,
14 okay?

15 A. Okay.

16 Q. There was, well -- are you aware that Leah's
17 shoes -- one shoe was found here in town?

18 A. Yeah, I heard about that. Yeah.

19 Q. And that there was another shoe found out on
20 Hudson Ridge?

21 A. No, I --

22 Q. Okay.

23 A. The one on Hudson Ridge doesn't really --

24 Q. Okay. Did you ever tell anybody where those
25 shoes would be found?

Josh Ernler

1 A. No.

2 Q. Okay. The reason I'm asking is there's this
3 other rumor floating around that says, "I heard from Josh
4 Ernler that Leah's shoe was on the road there by the cemetery
5 and her other shoe was on the road out on Hudson Ridge, and
6 he's telling me about this before the police ever announced
7 that they had her shoe."

8 A. No, man. That's --

9 Q. Okay.

10 A. That's a bunch of BS.

11 Q. Okay. Again, we're trying to figure out what
12 happened to Leah Freeman. Do you know what happened to Leah?

13 A. I know she was killed, and that's --

14 Q. Okay. Do you know who killed her?

15 A. No.

16 MR. FRASIER: All right. I don't think I have
17 any other questions for Josh.

18 Does the grand jury want to ask him anything?

19 THE WITNESS: But I can ask you guys a question?

20 MR. FRASIER: Sure.

21 THE WITNESS: So is there -- you're trying to --
22 who's saying this? Or there's -- am I not allowed to know,
23 who's telling these --

24 MR. FRASIER: I don't have it written down here;
25 we can talk about that out in the hallway. But --

Josh Ernler

1 THE WITNESS: Okay.

2 MR. FRASIER: I don't have it --

3 THE WITNESS: Because that's not --

4 MR. FRASIER: Okay.

5 THE WITNESS: -- that's not very cool, man.

6 MR. FRASIER: Okay. All right.

7 THE WITNESS: I'm not -- I'm not having no part
8 of that now that -- you know, there's a lot of rumors you can
9 spread around, but that's -- yeah.

10 MR. FRASIER: Okay. All right.

11 THE WITNESS: I don't want to be mixed up in
12 this, man. Like I said, I was a kid.

13 MR. FRASIER: That's why I brought you here.

14 THE WITNESS: I was a kid. I smoked some pot
15 with a guy. And, you know, that was -- that was a mistake
16 made, you know. Smoking pot. And I was being a kid; it's
17 what, you know, a lot of us did around here.

18 And, uh -- you know. I -- I didn't want to get
19 mixed up in this, you know. I got kids at home right now. I
20 got a family and a life, and -- you know.

21 I'll do more than -- more than anything to help
22 you guys out. If you have any questions, I'm going to be
23 completely honest with you. But I absolutely think that
24 somebody should, you know, be taken care of on that one. I
25 just lost my cousin this last year, and --

Darla Baker

1 BY MR. FRASIER:

2 Q. Who was your cousin?

3 A. Jayme Austin --

4 Q. Jayme Austin, okay.

5 A. -- was my cousin. And, you know, that was, uh --
6 that was pretty tough for my aunt. Seeing her go through
7 that, you know. And, uh, she's still, you know, having a
8 tough time. And I could just imagine what 10 years would do
9 to somebody, so --

10 Q. Okay.

11 A. -- I imagine that.

12 Q. All right.

13 A. I sure hope you guys do your job, and if you have
14 any questions for me, you know where to contact me, and --

15 GRAND JUROR: We will.

16 THE WITNESS: All right.

17 GRAND JUROR: Okay? Thank you.

18 THE WITNESS: Thank you. You guys have a great
19 day.

20 MR. FRASIER: Thank you.

21 THE WITNESS: So I'm good to go now, right?

22 MR. FRASIER: Yep, you're good to go.

23 **TESTIMONY OF DARLA BAKER**

24 (Witness sworn.)

25 BY MR. FRASIER:

Mary Fuller

1 side if I'm driving down the road.

2 GRAND JUROR: And you would have been driving
3 towards downtown, not towards the high school?

4 THE WITNESS: Yes. Towards downtown, yes.

5 GRAND JUROR: Okay. All right.

6 MR. FRASIER: Any other questions?

7 All right. That'll do it.

8 THE WITNESS: All right.

9 MR. FRASIER: You're free to go.

10 **TESTIMONY OF MARY FULLER**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. Ma'am, this is the grand jury for Coos County.
14 They seem to be really nice folks. I haven't seen them bite
15 anybody yet today. (Laughter.)

16 A. Well, you just never know.

17 GRAND JUROR: It's still early.

18 THE WITNESS: Yeah.

19 BY MR. FRASIER:

20 Q. And I think it's obvious, but we are recording
21 what's going on today. I just wanted you to be aware of
22 that.

23 A. Okay.

24 Q. First of all, could you tell us your name,
25 please, and where you live.

Mary Fuller

1 A. Mary Fuller. I live in Coos Bay.

2 Q. Ms. Fuller, the grand jury -- what we're looking
3 into is what happened to Leah Freeman --

4 A. Mm-hmm.

5 Q. -- back in the year 2000.

6 A. Mm-hmm.

7 Q. And I've received information that you might have
8 been driving through town, here in Coquille, the evening that
9 Leah disappeared.

10 A. Mm-hmm.

11 Q. Do you recall that?

12 A. Yes.

13 Q. Could you tell the grand jury, please, what
14 happened.

15 A. Um, well, I had been to church. I'd taken a
16 whole bunch of teenagers over there, and so there was a lot
17 going on in the car.

18 Q. Okay.

19 A. And some of the things that I need to tell you,
20 I'm not really sure whether that's exactly what I saw --

21 Q. Okay.

22 A. -- but you need to know it anyway.

23 Uh, we'd been to church. And when you talked --
24 you guys talked to me on the phone, you told me what time you
25 thought she disappeared, and that was the time that we were

Mary Fuller

1 driving home from the Foursquare, which is just a few blocks
2 from the school.

3 Q. Okay.

4 A. And we drove by the school.

5 Q. Okay.

6 A. And, um -- I'm sure of that part. (Laughs.)

7 Q. All right.

8 A. I know that part. But, remember, there was a lot
9 of confusion. The kids, you know --

10 Q. Right.

11 A. Kids. (Laughs.)

12 But, um -- and I didn't think about it at the
13 time, but later after I talked to you guys I -- I thought I
14 remembered that when I passed the school where the gate is
15 there --

16 Q. Right.

17 A. -- that a car cut in right behind me. Just,
18 zoom, you know. I thought, well, gee, that's -- (laughs.)
19 That kind of seemed dangerous to me, just kind of.

20 But anyway, then I saw -- I think I saw the guy
21 park and run around the car. Pull, you know, with his nose
22 in, and get out and run around the car. And he was on a
23 mission. You know how somebody's --

24 Q. Mm-hmm.

25 A. And I thought, "I wonder what that's all about."

Mary Fuller

1 But then I really hadn't remembered in the
2 beginning.

3 Q. Mm-hmm.

4 A. And, you know, when a few days have passed, do
5 you remember it? Did you dream it? Did you imagine it, or
6 did you really see that?

7 Q. Mm-hmm.

8 A. So.

9 Q. Could you describe this car. Was it --

10 A. Well, it was kind of -- you know, it was getting
11 dark. But it was, um -- it looked red. A small red car. I
12 don't know what kind. And the guy was, um, medium height, on
13 the short side.

14 Q. Mm-hmm.

15 A. But that's all. I couldn't see anything else.

16 Q. Okay.

17 A. So.

18 Q. Now, you said -- and I just want to back up here.

19 A. Mm-hmm.

20 Q. You're driving by the high school.

21 A. Mm-hmm.

22 Q. You see who you believe to be Leah Freeman. Is
23 that right?

24 A. No, I didn't see Leah.

25 Q. Okay.

Mary Fuller

1 A. Uh, I wasn't looking that way. You know, it's
2 right on top of that hill, and you just come over and --

3 Q. Right.

4 A. -- go by the school and you're down again. So,
5 you know.

6 Q. Okay. So, was there somebody in the van that
7 later told you that they saw Leah?

8 A. Yes.

9 Q. And was that Alicia Hartwell?

10 A. Mm-hmm. Mm-hmm.

11 Q. Okay. So you did not see Leah at all?

12 A. No.

13 Q. But you did see this red car --

14 A. Mm-hmm.

15 Q. -- or whatever it was --

16 A. I think it was red, but like I said, it was
17 getting dark and it's hard to tell.

18 Q. And it cut into the parking lot?

19 A. And I wasn't really paying that much attention,
20 to be truthful. I think that's why I didn't really remember
21 it right up front --

22 Q. Okay.

23 A. -- because it was just a...

24 Q. Okay. You did not know Leah Freeman at all, did
25 you?

Mary Fuller

1 A. No.

2 Q. So you weren't aware of any of her circumstances
3 or anything?

4 A. Hmm-mm.

5 Q. All right.

6 A. She -- her sister later married my grandson.

7 Q. Oh, okay.

8 A. But I've --

9 Q. Denise?

10 A. Yeah, but I've never talked to her about this.

11 Q. All right. Okay. I think that's all the
12 questions I have for you. I'm going to ask the officers to
13 talk to you because --

14 A. Okay.

15 Q. -- I don't -- I -- this is the first time I've
16 heard about the car.

17 A. Well, it's the first time I've brought it up --

18 Q. Oh, okay.

19 A. -- because I hadn't remembered it for a while.
20 And to be really honest, guys, I'm not sure if I remembered
21 it or thought I did at the time.

22 Q. Okay. That's fine.

23 A. It's very vivid, but you know dreams can be too.
24 So, I don't know.

25 MR. FRASIER: Okay. All right. Does the grand

Alicia Hyatt

1 jury have anything that you'd like to ask her?

2 (Pause.) Okay.

3 THE WITNESS: Should have taken a photo, huh?

4 (Laughter.)

5 MR. FRASIER: All right. Thank you.

6 THE WITNESS: Thank you. Am I free to leave now?

7 MR. FRASIER: I need you to talk to the officers.

8 THE WITNESS: Oh, okay.

9 MR. FRASIER: Don't forget your purse.

10 **TESTIMONY OF ALICIA HYATT**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. First of all, this is the grand jury of Coos
14 County. We're looking into the death of Leah Freeman. Kind
15 of obvious, but we're recording the proceedings here today.
16 All right?

17 A. Okay.

18 Q. First of all, could you tell us your name and
19 where you live.

20 A. Um. It's Alicia Hyatt now. It used to be
21 Hartwell.

22 Q. Okay.

23 A. And I live at 431 23rd Street, Myrtle Point.

24 Q. All right. And I don't mean to embarrass you.
25 My wife tells me I'm not supposed to ask these questions, but

Dave Hall

1 us about here today about Bill Sero, Alicia Michaud, Tom
2 Stemmerman, and what your brother told you and this and so
3 forth, do you have any information at all about what happened
4 to Leah Freeman?

5 A. No. That's all I know.

6 Q. And outside of what you told us, do you know what
7 happened to her?

8 A. That's all I know.

9 MR. FRASIER: Okay. I don't think I have any
10 other questions.

11 Does the grand jury want to ask her anything?

12 (Pause.) Okay. All right. Thank you.

13 THE WITNESS: Thank you.

14 **TESTIMONY OF DAVE HALL**

15 (Witness sworn.)

16 BY MR. FRASIER:

17 Q. Okay. First of all, this is the grand jury for
18 Coos County, and we're looking into the disappearance of Leah
19 Freeman, the death of Leah Freeman.

20 And it's obvious -- I turned on two different
21 recorders, so you're aware we're recording this.

22 First of all, could you tell us, sir, who you are
23 and what your occupation is.

24 A. My name is David Hall. I'm a police officer.

25 Q. And you work now for where?

Dave Hall

1 A. Black Butte Ranch Police Department.

2 Q. And do you have a rank there?

3 A. I'm a sergeant.

4 Q. Okay. How long have you been a police officer,
5 sir?

6 A. Uh, let's see. Going on 21 years.

7 Q. Prior to Black Butte, you worked where?

8 A. Um, Lakeview Police Department for a short period
9 of time, and prior to that Coquille Police Department.

10 Q. And is Coquille where you started your law
11 enforcement career?

12 A. No, I started in Lake County. Lake County,
13 Oregon.

14 Q. Really?

15 A. Yeah. Sheriff's Department.

16 Q. We got to talk. (Laughter.)

17 Okay. Anyway, so you've been a police officer
18 nearly 21 years?

19 A. Yeah.

20 Q. I want to direct your attention, sir, to the year
21 2000, and specifically June of 2000. You were working as a
22 police officer at that time --

23 A. Yes.

24 Q. -- here in Coquille?

25 And on June the 29th of 2000, were you called in

Dave Hall

1 by the chief -- the then-chief of police Mike Reaves to
2 assist with an investigation?

3 A. Yes, I was.

4 Q. When you -- were you actually on duty that day or
5 did he call you in or how did that work?

6 A. No. Uh, during -- during the 2000 year, I had --
7 we back up. In 1999 I was involved, uh -- I had responded to
8 a bar fight, and consequently took a person into custody.
9 And during that time I suffered some knee injuries. Well,
10 starting in 2000, I started having several surgeries.

11 So essentially starting from January of 2000
12 through November of 2000, I was going in, having surgeries,
13 and then I'd be released for light duty. And that's what I
14 was on at the time, was light duty.

15 Q. And, as part of light duty, you would be called
16 in to do maybe an investigation or something along that line?

17 A. Yes, I did.

18 Q. And on the 29th of June, did Chief Reaves ask you
19 to come in and work what at that time was a missing persons
20 case?

21 A. Yes. It was the disappearance of Leah Freeman.

22 Q. Could you tell us what time of the day was it you
23 got involved, and so forth.

24 A. I believe it was early to late morning, on the
25 morning of June 29th when I got called in to participate with

Dave Hall

1 that.

2 Q. And what information were you given when you
3 initially got to working the case?

4 A. Uh, she -- it was reported to me that Leah
5 Freeman had failed to come home the night before, and this
6 was highly unusual behavior for her.

7 And it was also explained that the last person to
8 see Leah Freeman on the night of June 28th was a close friend
9 named Cheri Mitchell.

10 Q. And so what did you do with this information?

11 A. I went to see Cory Courtright, uh, Leah's mother,
12 to obtain a list of friends and associates who she might have
13 went to stay with. I asked Cory Courtright to make a list of
14 phone numbers and addresses, and I would stop by later to
15 pick those up. Um, I also asked Cory if she knew of any
16 personal problems that Leah was going through, or she may be
17 having with other kids, enemies, et cetera. And I was told
18 by Cory that Leah was a very stable child, and she had no
19 known personal problems or no enemies.

20 Q. Okay. While you're there at the Courtright --
21 well, first of all, where was this? Where was Cory staying?

22 A. Oh. Uh, let's see. She was staying at 1173
23 North Knott --

24 Q. All right.

25 A. -- here in Coquille.

Dave Hall

1 Q. And that is in what is sometimes referred to as
2 the Sanford Heights area?

3 A. Yes, it is.

4 Q. Okay. While you're there is -- Nicholas
5 McGuffin, does he show up?

6 A. Yes, he did.

7 Q. And did you chat with him a little bit?

8 A. Yeah. I asked him to briefly give me a time when
9 he last saw Leah.

10 McGuffin told me that he dropped Leah off at
11 about 7:00 p.m. the night before at Cheri Mitchell's home,
12 which is located at 444 1/2 North Elm. McGuffin was supposed
13 to return and pick up Leah at nine o'clock, but when he
14 arrived she had already left.

15 Nick stated that he drove up and down Central,
16 West Central looking for Leah, but he couldn't locate her.

17 He also stated he drove around until about 2:30
18 in the morning, Friday morning, and finally went home
19 thinking Leah had went to a friend's home to stay, and that
20 she was possibly mad at him for being late to pick her up.

21 Q. Okay. Now, in this statement that he gives you
22 on the afternoon that Leah is reported missing, does he say
23 anything about going to the home of Leah and throwing rocks
24 at a window, and thinking she was at home?

25 A. Yeah. Um, he stated that later during an

Dave Hall

1 interview that chief Reaves conducted with him on June 30th.

2 Q. All right. But when you talked to him on the
3 29th, he made no mention of it?

4 A. No, sir.

5 Q. And he told you that he thought she had gone and
6 spent the night with some friends?

7 A. Exactly.

8 Q. Okay. All right. Now, Nick also told you about
9 going out to this Haga place?

10 A. Um, he never mentioned it that night, no.

11 Q. Oh, then it's the next day he told you?

12 A. Yeah.

13 Q. All right. Did you at some -- well, okay. At
14 some point in time did you become aware that Nick and Leah
15 had been out earlier in the evening on the day she
16 disappeared, at the Haga place?

17 A. Yeah, but that -- that, um -- my recollection and
18 my notes is when we learned from Cory -- Cory contacted Chief
19 Reaves and, uh, explained to him that she remembered Leah and
20 McGuffin visiting Brent Bartley's grandparents, the Haga
21 place, at the end of First Street.

22 And Cory thought we should see -- you know, we
23 should go up there and -- to check and see if Leah may be
24 staying at that location.

25 Q. So I'm clear is, you find that out on the 29th

Dave Hall

1 from Cory and not from him saying it?

2 A. No. We find that out, um, on the morning of the
3 30th from Cory Courtright.

4 Q. Okay. So you go out to the -- do you and Chief
5 Reaves then go out to the Haga place?

6 A. Yes, we did.

7 Q. Now, I'm showing a map behind you. Could you
8 point out where the Haga place is, so everybody knows where
9 we're talking about.

10 A. Right here at the end of Fir.

11 Q. All right. And to get to the -- that place,
12 there's a couple of different routes you could go to get
13 there?

14 A. Sure. Sure, you could go down Elm and then all
15 the way up, or you could go -- take Fir, right off of
16 Central, and go all the way up.

17 Q. All right. And when you go up Elm, it's mostly
18 paved most of the way?

19 A. Yes, it is.

20 Q. And if you go on Fir, you end up driving by the
21 cemetery, is what that is. On the North side of the cemetery
22 there's this dirt road?

23 A. Right. This -- it's dirt road. Well, it was
24 eight -- no, ten years ago.

25 Q. All right. And most people, based on your

Dave Hall

1 experience, if they were going to go up to this place, would
2 have used the Elm Street?

3 A. They would have used the Elm Street.

4 Q. Okay. So you go out there -- go ahead and sit
5 down.

6 You go out there on the 30th, in the morning of
7 the 30th?

8 A. Yes.

9 Q. Okay. And what did you see when you went out
10 there?

11 A. Well, we went out there, we rang the doorbell,
12 but we got no response. And then we began to check the area
13 around the house.

14 In the carport area next to a garbage compactor,
15 um, there was a -- found a man's white tank-top shirt. Um,
16 Chief Reaves' observations were that the shirt was soaked
17 with beer because of the smell -- and it must be noted too,
18 to the grand jury, I don't have a sense of smell. I haven't
19 had one I can ever remember.

20 We walked around the back of the house onto the
21 deck area, and then saw several empty beer cans and, on a
22 bench, a funnel with a long hose attached; in essence, that
23 they were using it for a beer bong.

24 Um, the house seemed secure, so we just left the
25 area.

Dave Hall

1 Q. All right. Now, later on Friday, June the 30th,
2 did you -- was Nick McGuffin -- did he come into the police
3 station with his mother, and did you and mostly Chief Reaves
4 interview him?

5 A. Yeah -- uh, no. Um, Nick McGuffin came in, but
6 uh, to my recollection he didn't come in with his mother.
7 That was Brent Bartley that came in with his mother.

8 Q. Okay. And was that interview recorded?

9 A. Yes, it was.

10 Q. Okay. And you listened to a copy of that
11 earlier, before you came --

12 A. Yes, I did.

13 Q. Is that accurate, or reflect what you heard?

14 A. Yes, it did.

15 Q. Okay. I'm going to play that recording for you
16 folks right now. And let's see if I can do this.

17 (Pause.) To save tape, I'm going to go ahead and
18 shut the tape off.

19 (Recording off and back on.)

20 MR. FRASIER: Okay. Go ahead and ask your
21 questions.

22 GRAND JUROR: Who was the lady in the background?

23 THE WITNESS: I believe that was Shelly Grant.
24 She was a new officer the department just hired.

25 GRAND JUROR: Oh, I see. Part of the team.

Dave Hall

1 THE WITNESS: Yeah.

2 BY MR. FRASIER:

3 Q. Towards the end there, it was kind of after Chief
4 Reaves said he was turning the tape off, you can hear Nick
5 say something about some pictures about Leah taken that day.

6 Did he supply some pictures to you guys
7 eventually, what Leah was wearing, what she looked like that
8 day?

9 A. Yeah, I believe so. It's hard for me to
10 recollect.

11 Q. And is that one of those?

12 A. That looks like one of them, yes.

13 Q. Okay. And that was supposedly -- at least, your
14 information was it was a picture of what -- of Leah that day,
15 at Nick McGuffin's house earlier in the day?

16 A. Yeah.

17 Q. And in the background there, I've marked that as
18 State's 2, we can see the -- what looks like a blue car. Is
19 that the blue Mustang that we've been referring to?

20 A. That looks like the blue Mustang.

21 Q. And off in the corner there's another window, and
22 there's a reddish-type car there. Mrs. McGuffin, did she
23 have a Thunderbird that she kind of drove around town?

24 A. That's correct.

25 Q. And does that appear to be that car?

Dave Hall

1 A. Yes, it does.

2 Q. After you get this statement from Nick about what
3 she was wearing, the pictures and so forth, do you and Chief
4 Reaves decide to go back out to the Haga place?

5 A. Yes, we did.

6 Q. Okay. Could you tell the grand jury what you
7 did.

8 A. Well, we went out there to -- we got to thinking
9 that -- after he explained what she was wearing, that the
10 tank top that we had seen out at the residence, the Haga
11 residence, could possibly be Leah's.

12 So we went back out there. And when we arrived,
13 we saw, A, that the tank top was missing. All the beer
14 containers had been cleaned up. Um, everything was
15 essentially spotless at the residence.

16 Um, we found the kitchen sliding glass door was
17 unlocked and partially open, so we did a check of the
18 residence but, uh, found that it was empty. There was nobody
19 around.

20 But it was completely a different contrast to
21 when we were out there earlier.

22 Q. Now, when this is first reported on June 29th,
23 um, it's kind of treated as a missing persons case, right?

24 A. A runaway.

25 Q. A runaway?

Dave Hall

1 A. Mm-hmm.

2 Q. And then the next day Leah doesn't show up, so
3 things start changing a little bit?

4 A. A little bit, yes.

5 Q. I don't mean to embarrass you or anything along
6 that line, but did you start suggesting to Chief Reaves, Hey,
7 we might need to approach this at a different pace?

8 A. Yes, I did. I told him that I thought that we
9 should call in the, um, Coos County homicide investigation
10 team for additional help and resources.

11 Q. And how did Chief Reaves respond to that?

12 A. Um, he wanted to keep everything in house. He
13 kept thinking it was still just a -- a runaway and -- and
14 he -- essentially, Chief Reaves had the attitude that
15 everything was supposed to stay within the department and we
16 didn't need any outside help.

17 Q. At some point in time did Chief Reaves call in
18 the FBI?

19 A. Uh, I believe that suggestion came from
20 Officer -- I was gone during this portion of time, and I came
21 back to the PD -- I don't know if it was -- I don't what I
22 would -- I can't remember or recollect.

23 But, um, Officer Shelly Grant had contacted the
24 FBI field office in Eugene, and she explained our situation
25 to them and asked if they could offer any assistance. And

Dave Hall

1 um, they said that they were going to send a team of agents
2 to Coquille immediately, and they would arrive around
3 noontime.

4 Q. And again, this was before the homicide team here
5 in Coos County was involved?

6 A. Correct.

7 Q. Okay. And, as part of this investigation, Nick
8 in his statement talked about being with Brent Bartley for a
9 period of time. Is that true?

10 A. Yes.

11 Q. And was Mr. Bartley interviewed at some point in
12 time?

13 A. Yeah, he was interviewed later that afternoon
14 after McGuffin was. And we had Brent Bartley come in to City
15 Hall to do a quick interview about his activities the night
16 that Leah disappeared.

17 Q. What did Mr. Bartley have to say?

18 A. Well, Bartley, uh, came in with his mother
19 Leslie. She accompanied him, and was present during the
20 entire interview.

21 Bartley told to me that McGuffin and Leah came
22 over to his house sometime after about 4:00 p.m. on Wednesday
23 the 28th. They all -- he stated that they all smoked some
24 marijuana and decided to go get some videos from McGuffin's
25 house and go to Bartley's grandparents' house, which is the

Dave Hall

1 Haga residence.

2 And then around 7:00 p.m. McGuffin and, um --
3 McGuffin, Bartley, and Leah left to take Leah to Cheri
4 Mitchell's house and dropped her off.

5 McGuffin then picked up Bartley's girlfriend
6 Nicky Price, and they drove back out to Haga's house.

7 Bartley said McGuffin stayed with Nicky and him
8 until around 9:00 p.m. and then left to go pick up Leah.

9 Q. Did he say anything further about what had
10 occurred later that evening?

11 A. Yeah, he said McGuffin returned a while later and
12 stated he could not find Leah and he was going to continue
13 looking for her. At about 11:00 p.m. McGuffin returned and
14 told Bartley and Nicky that he could not find Leah, so
15 Bartley told McGuffin he would go and help her [sic] find
16 her. They dropped off Nicky Price at her house, and Bartley
17 said he drove around with McGuffin until around 2:00 a.m.
18 Thursday morning before McGuffin dropped him off at his
19 house.

20 Q. Did Bartley talk about, at any time, did he and
21 Nick go to Leah's home, knock on the door and say, Hey, is
22 she here, or anything along that line?

23 A. No.

24 Q. Did he mention anything about Nick throwing rocks
25 at a window or anything along that line?

Dave Hall

1 A. No.

2 Q. Now, eventually the interagency homicide or major
3 crime team was involved with this case?

4 A. Yeah, but that was quite a bit later.

5 Q. Quite a bit later.

6 A. Yes.

7 Q. And I don't mean to pick on you or embarrass you.
8 Did you express to Chief Reaves, Gee, I've never handled a
9 case like this before --

10 A. Yes, I did. I felt, uh -- I felt very
11 overwhelmed at this point. I think at the time I was
12 becoming concerned that I'd never done a homicide
13 investigation. I'd handled an attempted murder
14 investigation, but I felt that I was in over my head and I
15 didn't like being the lead investigator. And I wanted to
16 bring in the team, people that had 20-plus years of
17 experience doing this exact same thing.

18 And he still wanted to -- still was treating it
19 as just a missing person/runaway, and didn't want to bring in
20 any other outside agencies.

21 Q. Leah never shows up; is that right?

22 A. No, sir.

23 Q. And eventually the chief accedes to the idea of
24 bringing in the major crime team?

25 A. Yes, he did.

Dave Hall

1 Q. And that's about a week after Leah had
2 disappeared?

3 A. Uh, a good week. Maybe -- maybe a week to --
4 yeah, I would say probably a good week that I remember.

5 Q. And that was the point in time that I was asked
6 to get involved too?

7 A. Yes, sir.

8 Q. Now, according to Nick in his statement, he said
9 he'd been driving back and forth, up and down Central, and he
10 had not seen Leah at all.

11 A. Correct.

12 Q. Yet you folks had developed witnesses like Ray
13 Lewis, Mr. Kirn, Mr. McAdams, Alicia or Ashley -- you had
14 developed several --

15 A. A few, then.

16 Q. -- different witnesses that during this time
17 frame that he claims he was driving up and down Central, that
18 they saw Leah.

19 A. Yes, they did.

20 Q. And did that strike you guys as interesting?

21 A. Yes, completely odd. That, uh, people at the old
22 Hunter's restaurant had seen her walk by. From various
23 locations all along Central, as she was walking towards West
24 Central, she was seen.

25 Q. Okay. With that information, eventually was a

Dave Hall

1 search warrant obtained to search the McGuffin residence
2 and -- well, not the McGuffin residence, but at least --
3 well, let me back up.

4 Did you guys ask to look at Mr. McGuffin's car?

5 A. Yes, we did.

6 Q. And did he agree to let you look at the Mustang?

7 A. Yes, he did.

8 Q. And could you tell us when that was, and what you
9 guys amassed?

10 A. Uh, let me look over my report very quickly here.

11 (Pause.) That would have been -- okay.

12 (Pause.) This would have been on July 5th.

13 Q. Okay. And the crime lab, Kathy Wilcox was asked
14 to come with you?

15 A. Yeah, I would -- what I did is I asked McGuffin
16 if he would be willing to give his consent to look through his
17 car, and he agreed. I had McGuffin write out in his own
18 handwriting a statement granting permission to search his
19 car.

20 And then I contacted Mast Brothers Towing, and
21 sent them along with an additional investigator, Lieutenant
22 Buddy Young of North Bend Police Department, to pick up
23 McGuffin's car at this home and transport it to the OSP crime
24 lab in Coos Bay for processing.

25 Q. One of the reports I've given you is Kathy

Dave Hall

1 Wilcox's report of looking at the car.

2 GRAND JUROR: I've got a question, if we --
3 before we answer that, okay?

4 MR. FRASIER: Okay.

5 GRAND JUROR: When you say you thought it was odd
6 that you hadn't -- that he hadn't maybe seen her during that
7 time frame going up -- you're saying that you thought it was
8 kind of odd that Nick hadn't seen Leah, driving up and down
9 the street. Is that correct?

10 THE WITNESS: Yeah, that he would -- you know, he
11 arrived shortly after Leah had left the Mitchell residence.

12 GRAND JUROR: Right.

13 THE WITNESS: And we had numerous witnesses
14 state --

15 GRAND JUROR: Right.

16 THE WITNESS: And yet he leaves immediately, and
17 drives down -- drives up and down Central several times.

18 GRAND JUROR: Right.

19 THE WITNESS: Doesn't see her. You know, we've
20 got witnesses all along.

21 GRAND JUROR: Right. But I mean, from the
22 testimony that we've been getting, my understanding was that
23 if he picked -- if he showed up at 9:00, Leah had left about
24 15 minutes before that, so it is possible that she could have
25 walked that distance, and by the time he left, she -- he

Dave Hall

1 wouldn't have seen her.

2 But I mean -- so, I mean the time line that I've
3 seen -- you guys can -- were discussing this.

4 THE WITNESS: Sure.

5 GRAND JUROR: It leads me to believe that if he
6 showed up at nine o'clock, she could have gotten clear past,
7 um --

8 GRAND JUROR: The high school there --

9 GRAND JUROR: -- Colleen's Restaurant by the time
10 he actually left.

11 So, if he -- he -- he would have had to go clear
12 over by the school where she was last seen.

13 I mean, so the fact that these people did see her
14 go by, and if we follow the time line, it would be consistent
15 that he would not have seen her.

16 That's -- am I right? You guys can correct me if
17 I'm wrong, but I can see where that would be --

18 GRAND JUROR: According to the time line.

19 GRAND JUROR: -- consistent with he wouldn't have
20 seen her because she would have been past Colleen's by the
21 time he -- he left Cheri's house.

22 GRAND JUROR: I -- I would ask a question to go
23 along with that, is, did he state a given area that he
24 patrolled? Or did he go all the way as far as Sanford
25 Heights on Central?

Dave Hall

1 THE WITNESS: Uh, it's -- it's a -- to my
2 recollection he stated that he went down Central all the way
3 to West Central past the high school. You know, the
4 direction and route that she would have taken walking home.

5 GRAND JUROR: Right.

6 THE WITNESS: That was my understanding.

7 GRAND JUROR: He said he went on every possible
8 way --

9 THE WITNESS: Yeah, exactly.

10 GRAND JUROR: -- did the loop, he did everything.

11 THE WITNESS: He did the loop. He went
12 everywhere. He even went to, like, Fifth Street park, and
13 all over.

14 GRAND JUROR: Right.

15 GRAND JUROR: (Indiscernible) waiting this
16 morning in the van. He'd seen him pull in to the high
17 school.

18 MR. FRASIER: Okay. We --

19 GRAND JUROR: Well, they don't know --

20 GRAND JUROR: We don't know --

21 MR. FRASIER: We need to -- we're kind of not
22 asking questions here. I think you guys are starting to
23 deliberate a little bit.

24 GRAND JUROR: Okay. Yeah, I just wanted to
25 clarify why you -- if there was something that I missed in

Dave Hall

1 the time line.

2 THE WITNESS: Okay. Well, I haven't -- I haven't
3 seen the time line in ten years.

4 GRAND JUROR: Okay. That's fine.

5 THE WITNESS: But the thing was, is there was a
6 couple of witnesses, like the two people at Hunter's that had
7 seen her, if I remember correctly. That was some time after
8 9:00. You know, between say 9:05 and 9:15, that she's
9 walking by Hunter's at that time. But I have to look at the
10 time line here.

11 GRAND JUROR: Okay. That's fine.

12 BY MR. FRASIER:

13 Q. Nothing of significance was found when the car
14 was searched on the 5th of July?

15 A. No.

16 Q. All right. Now, in the interim, after the 5th of
17 July -- I got to stand up; my back is hurting, if that's
18 okay.

19 In the interim after the 5th of July, the
20 district attorney's office got involved, was there ever a
21 period of time where some of the kids were reluctant to talk
22 to the police about what was going on?

23 A. Oh, yeah.

24 Q. And was there an accusation that somebody
25 associated with the kids at the school or whatever was

Dave Hall

1 telling them not to talk or something along that line?

2 A. Yes, there was.

3 Q. And was there a decision made to convene an
4 investigatory grand jury to bring people in, to talk to them
5 and see if we could figure out what was going on?

6 A. Yes.

7 Q. Now, as part of that grand jury, were you made
8 aware that at least some of the witnesses were indicating
9 that Nick had switched cars the evening that Leah
10 disappeared?

11 A. I recall that, yes.

12 Q. And after that information was obtained later,
13 towards the end of July, were additional search -- well, I
14 shouldn't say additional. Were search warrants obtained to
15 once again look at Nick McGuffin's blue Mustang?

16 A. Yes.

17 Q. And the red or maroon Thunderbird that belonged
18 to his mother?

19 A. Yes.

20 Q. Was also a search warrant executed on the
21 McGuffin home?

22 A. Yes, there was.

23 Q. Various documents and things like that were taken
24 out of the McGuffin home?

25 A. Yes.

Dave Hall

1 Q. All right. Now, August the 3rd, 2000; that's
2 when Leah's body is found?

3 A. Yes, it was.

4 Q. And the autopsy was performed the next day,
5 August the 4th?

6 A. Uh, yes, I believe so. Correct.

7 Q. And that was conducted over at Roseburg?

8 A. Yes, it was.

9 Q. You continued to be the lead investigator on this
10 case for how long?

11 A. Oh, well, off and on, because it was shortly
12 thereafter when, uh, we recovered her body, I went off duty
13 again for about eight weeks because I had an -- I think it
14 was the second or third week of August I had an additional
15 knee surgery. And I didn't come back to work I think it was
16 until like the 1st of October, somewhere in there.

17 Q. All right. And at some point in time, you --
18 when did you go to work for Lakeview?

19 A. Uh, I left -- I left Coquille, um, the April --
20 the first of -- yeah, between the 1st and middle of April of
21 2002, I went to work for Lakeview.

22 Q. The case was worked off and on during that time
23 period?

24 A. Yes, it was.

25 Q. And nothing of significance or -- I mean, you

Dave Hall

1 couldn't make an arrest or anything --

2 A. No. No.

3 Q. -- based on what you had?

4 Okay. I don't think I've got any other questions
5 for Officer Hall -- or Sergeant Hall.

6 Have I forgotten anything that you think we need
7 to know about?

8 A. I -- you know, I think early on when we did the
9 first interview with Bartley --

10 Q. Yes.

11 A. -- his emotional --

12 Q. Okay. Go ahead. Talk to us.

13 A. Um, when we brought him in for that initial
14 interview, at this point in time, you know, we're still
15 thinking that she's a runaway, that -- or missing. We don't
16 know what we've got at this point.

17 And when we brought him in to conduct that
18 interview that you heard, we had -- we had a picture similar
19 to this, sitting at the table. And when Nick came in and he
20 seen that picture, he just became -- you know, he started
21 sobbing, crying. He was uncontrollable. Uh --

22 Q. Was it Nick or Brent Bartley?

23 A. No. No, this was -- this was, uh, Nick McGuffin.

24 Q. Bartley? This is Nick McGuffin.

25 A. Nick McGuffin.

Dave Hall

1 Q. Okay.

2 A. He's just -- he's out of control, and he looks at
3 the picture and he points at the picture and he said, "I used
4 to call her Angel."

5 And he's talking about her in the past tense,
6 which really, really struck me as odd, because I'm just
7 thinking -- you know, still at that juncture, I'm thinking
8 he's -- she's just -- she's -- she's run away for a reason.
9 And why is he talking about her in the past tense?

10 Q. Okay. And I don't know if I remember talking to
11 you about this too, but later on he came in, and Mr. Bartley
12 too, and they gave handwritten statements about where they
13 were that evening?

14 A. Yes, they did.

15 Q. And wrote out their time schedule and things
16 along that line?

17 A. Exactly.

18 Q. Those were sent to the FBI, those handwritten
19 statements?

20 A. Yeah, they were sent to Quantico.

21 Q. Were there similar things in both of those
22 statements about change of tense in terms of referring to
23 Leah?

24 A. Yeah.

25 MR. FRASIER: All right.

Dave Hall

1 I don't think I have your hands. Go ahead, ask
2 him anything.

3 GRAND JUROR: The interview that we just heard,
4 the tape, was that under oath?

5 THE WITNESS: No. I think he was just -- he was
6 asked to voluntarily come in and give a statement.

7 GRAND JUROR: I don't remember hearing anything
8 about them going to the mill pond.

9 GRAND JUROR: He never divulged that.

10 GRAND JUROR: He didn't divulge that.

11 THE WITNESS: No, that didn't come out until
12 later.

13 GRAND JUROR: That's what I got down there too.
14 They were out smoking pot.

15 GRAND JUROR: Yeah.

16 GRAND JUROR: He probably just didn't want --

17 GRAND JUROR: Didn't want to take that sort of
18 cat out of the bag.

19 GRAND JUROR: No, I mean, tell the cops he went
20 to smoke pot.

21 GRAND JUROR: Yeah.

22 (Indiscernible discussion.)

23 BY MR. FRASIER:

24 Q. Just so we're clear, I -- you mentioned that, uh,
25 Bartley talked about how they all smoked marijuana that

Dave Hall

1 evening.

2 A. Mm-hmm.

3 Q. Did that include Leah?

4 A. The way I understood it, he said they all smoked
5 marijuana that evening.

6 Q. So that would have been Nick, Leah --

7 A. Um, Ms. Price, and Bartley.

8 Q. Okay.

9 GRAND JUROR: Um, did -- you said that the beer
10 party stuff, the tee shirt and the siphon, I think you
11 said --

12 THE WITNESS: Well, yeah, like the --

13 GRAND JUROR: -- the beer bong?

14 THE WITNESS: Right.

15 GRAND JUROR: Did you ever find out who cleaned
16 that up?

17 THE WITNESS: No, we did not. We only could
18 think that it was either -- you know, I mean, it's pure
19 speculation, but it was --

20 GRAND JUROR: No one was ever asked what happened
21 there?

22 THE WITNESS: You know what, I don't remember,
23 to be honest with you.

24 MR. FRASIER: Any other questions?

25 GRAND JUROR: I wonder if anyone -- apparently

Kip Oswald

1 not. These people who saw Leah walking along Central that
2 evening also saw Nick, aside from the one driving along
3 Central.

4 I mean, he was driving back and forth along
5 Central, but it didn't seem like anyone saw him driving along
6 Central who had seen Leah walking except the lady in the car
7 who thought there was a car behind her that pulled in, and it
8 could have been or it couldn't have been --

9 THE WITNESS: I don't know about that.

10 GRAND JUROR: Did anybody ever --

11 THE WITNESS: That I don't recall.

12 GRAND JUROR: -- follow?

13 THE WITNESS: The day -- that could have been,
14 but I don't recollect that at this point in time.

15 MR. FRASIER: Anything else?

16 Okay. You can go back to -- what beat?

17 THE WITNESS: Sisters.

18 MR. FRASIER: Sisters.

19 GRAND JUROR: Enjoy the heat.

20 GRAND JUROR: The weather out there.

21 THE WITNESS: The weather? It's just now getting
22 hot. We're probably getting summer. We're supposed to be.

23 **TESTIMONY OF KIP OSWALD**

24 (Witness sworn.)

25 BY MR. FRASIER:

Robert Hall

COQUILLE, OREGON; WEDNESDAY, JULY 21, 2010, 4:58 P.M.

-o0o-

TESTIMONY OF ROBERT HALL

(Witness sworn.)

BY MR. FRASIER:

Q. First of all, this is the grand jury for Coos County, and we're looking into the disappearance of Leah Freeman, death of Leah Freeman.

First thing I got to tell you is we're recording, even though it's kind of obvious. I have to let you know that we're recording the proceedings here today.

First of all, could you tell us your name, sir, and where you live.

A. Robert Jesse Hall. I live in Klamath Falls, Oregon.

Q. How long have you lived in Klamath Falls?

A. Four years.

Q. You used to live here in Lakeview -- or, excuse me. I grew up in Lakeview. (Laughter.) In Coquille?

A. Yes, sir.

Q. And your dad, Dave Hall, used to be a police officer here?

A. Yes, sir.

Q. And -- well, I don't remember. He actually left here to go work in Lakeview, didn't he?

Robert Hall

1 A. Correct.

2 Q. Okay. Mr. Hall, the reason I've brought you here
3 today is that, as I explained to your dad earlier, is there's
4 a rumor, some allegations floating around here in Coquille
5 that you might know something about Leah Freeman's
6 disappearance. And I want to ask you some questions about
7 that.

8 And so, first of all, the rumor that's floating
9 around is that -- well, do you know a person named Brent
10 Bartley, or did you know Brent Bartley?

11 A. Yes, sir.

12 Q. Kristin Steinhoff? Did you know her?

13 A. Doesn't ring a bell.

14 Q. Okay. And --

15 A. No, but it's been a while.

16 Q. Okay. A girl named Darla?

17 A. I -- I knew a girl named Darla. She was a grade
18 above me.

19 Q. Okay. And she's sometimes referred to as Darla
20 Baker or Darla Granger or something like that.

21 A. It -- it could be.

22 Q. Okay. Well, the reason -- the rumor is, is that
23 you're being quoted that you talked to this girl named Darla,
24 and that Darla told you that she and Brent Bartley and
25 Kristin Steinhoff were in the car that ran Leah Freeman over.

Robert Hall

1 And do you know anything about this?

2 A. Never heard it whatsoever.

3 Q. Okay.

4 A. Never happened.

5 Q. And you have never told anybody anything of that
6 sort?

7 A. No, sir.

8 Q. Okay. And the story goes further is, is you
9 didn't tell your dad about it because you were friends with
10 Darla and you didn't want Darla to get in trouble.

11 A. Like I said, it never happened.

12 Q. Never happened?

13 A. No, sir.

14 Q. Okay. Since I brought you all the way over from
15 Klamath Falls, I'd like to ask you a couple more questions.

16 A. Shoot. You can ask me anything.

17 Q. Okay. Did you know Nick McGuffin?

18 A. Yes, sir.

19 Q. How about Leah Freeman? Did you know her?

20 A. I knew of her.

21 Q. Okay.

22 A. Maybe said hi a couple times, just to --

23 Q. How well did you know Nick?

24 A. Well enough. He was -- small town. Everybody
25 kind of hung out with one another at times.

Robert Hall

1 Q. Were you same age, or same grade?

2 A. No, he was older and -- uh, I think one or maybe
3 two grades above me. I'm not really sure.

4 Q. Okay. So you -- basically, you saw him in the
5 hallway at school and stuff like that?

6 A. Yeah.

7 Q. Did you ever hang out with him or anything?

8 A. Yeah, quite a few times.

9 Q. Like, at Fast Mart or someplace like that?

10 A. Um, yeah. I mean -- or, you know, at parties
11 or -- you know --

12 Q. Okay.

13 A. -- generally it's -- everybody's there.

14 Q. Okay.

15 A. I mean, all different kinds of crowds.

16 Q. All right. Did you know that Nick and Leah were
17 boyfriend/girlfriend?

18 A. Yes, sir.

19 Q. Did you have an opportunity to see how they
20 interacted between themselves?

21 A. Just at school, when everybody else did.

22 Q. Okay.

23 A. It was just normal boyfriend/girlfriend stuff.

24 Q. Okay. You didn't see anything like hitting the
25 walls or stuff like that?

Robert Hall

7

1 A. Not that I recall, no.

2 Q. Okay. All right. Did you have any, and have you
3 had any -- well, have you had any contact with Nick since
4 Leah disappeared?

5 A. No.

6 Q. Okay. Has Nick ever told you anything about what
7 may have happened to Leah or anything?

8 A. No, sir. I might have seen him a couple times at
9 parties and stuff like that, but not -- nothing.

10 Q. Nothing. Okay.

11 And you probably may have already answered this,
12 but do you have any information at all of what might have
13 happened to Leah Freeman?

14 A. No, sir.

15 MR. FRASIER: Okay. That's all the questions I
16 have for Robert. Does the grand jury want to ask him
17 anything? (Pause.)

18 GRAND JUROR: That was short and to the point.
19 (Laughter.)

20 MR. FRASIER: Just trying to go through all these
21 rumors and seeing where they go.

22 GRAND JUROR: Yeah, I've got a question about the
23 rumor. Who's supposedly in this car?

24 MR. FRASIER: Well, according to the rumor it's
25 Brent Bartley, Kristin Steinhoff, and a girl named Darla;

Aaron West

1 which I think it was the Darla we talked to earlier, before
2 lunch. Okay.

3 All right? Okay. Thank you, sir.

4 THE WITNESS: Thank you.

5 MR. FRASIER: You're free to go.

6 **TESTIMONY OF AARON WEST**

7 (Witness sworn.)

8 BY MR. FRASIER:

9 Q. Thank you. This is the grand jury for Coos
10 County. We're looking into the death of Leah Freeman. And I
11 guess the first thing I got to tell you is we're recording;
12 it's kind of obvious, okay?

13 A. Yeah.

14 Q. All right. First of all, could you tell us your
15 name please, sir, and where you live.

16 A. It's Aaron West, and right now I'm living at 1290
17 North Collier in Coquille.

18 Q. Okay. How old are you, sir?

19 A. 30.

20 Q. So ten years ago, in the year 2000, you would
21 have been 20?

22 A. 20, yeah. Almost 21. I'll be 21 in August. Or,
23 I would have been 21 in August. I'll be 31 --

24 Q. Okay.

25 A. -- in August. So --

Alicia Hyatt

1 jury have anything that you'd like to ask her?

2 (Pause.) Okay.

3 THE WITNESS: Should have taken a photo, huh?

4 (Laughter.)

5 MR. FRASIER: All right. Thank you.

6 THE WITNESS: Thank you. Am I free to leave now?

7 MR. FRASIER: I need you to talk to the officers.

8 THE WITNESS: Oh, okay.

9 MR. FRASIER: Don't forget your purse.

10 **TESTIMONY OF ALICIA HYATT**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. First of all, this is the grand jury of Coos
14 County. We're looking into the death of Leah Freeman. Kind
15 of obvious, but we're recording the proceedings here today.
16 All right?

17 A. Okay.

18 Q. First of all, could you tell us your name and
19 where you live.

20 A. Um. It's Alicia Hyatt now. It used to be
21 Hartwell.

22 Q. Okay.

23 A. And I live at 431 23rd Street, Myrtle Point.

24 Q. All right. And I don't mean to embarrass you.
25 My wife tells me I'm not supposed to ask these questions, but

Alicia Hyatt

1 in 2000 how old were you? The year 2000?

2 A. In the year 2000 I was 12.

3 Q. 12. All right. I have received information that
4 you were -- on June 28th of that year, you were basically in
5 a car full of kids coming from the Foursquare Church, going
6 back to Myrtle Point.

7 A. Yes, I was. It was me and a friend of mine with
8 her grandmother.

9 Q. Okay.

10 A. We were coming back from church, at a play
11 practice. We were doing a summer play, so we were coming
12 back from play practice. And we came past the high school.

13 And her -- me and my friend, we were bickering
14 about a shirt, I think it was. I can't remember quite clear,
15 but I remember I looked out the window and I saw Leah walking
16 past the high school.

17 And I said, "Hey, I know that girl. I remember
18 her. My mom used to babysit her when my mom worked at
19 Denny's for her dad." And then I remember seeing the car
20 behind us stop, and then I don't know whether it started
21 again, or what, because I went back to bickering with my
22 friend.

23 But I remember seeing her walking past the high
24 school, and then I saw the car stop, and I went to bickering
25 with my friend so I don't know whether he left again or not.

Alicia Hyatt

36

1 So.

2 Q. Okay. Well, let me ask you a couple questions,
3 first of all.

4 You indicated you knew Leah because your mom
5 babysat her?

6 A. Yeah.

7 Q. And your mom used to work at Denny's Pizza here
8 in town?

9 A. Yeah, when I was little.

10 Q. Okay. When you saw Leah that night, do you
11 remember -- well, first of all, do you remember what kind of
12 clothing she had on?

13 A. Uh, she had a white tank top on and a pair of
14 blue jean shorts.

15 Q. Okay. And did she -- you know, did she -- could
16 you tell, you know, was she walking fast? Did she look like
17 she was angry, upset, or anything?

18 A. I don't really remember. I remember I seen her
19 walking, and pretty much all I can remember. I remember she
20 was wearing a white shirt, and it was either shorts or a pair
21 of blue jean pants. I know they were blue jeans.

22 Q. Okay.

23 A. And, uh, she was just walking next to us. She
24 looked -- maybe walking a little fast because it was kind of
25 dark out. But --

Alicia Hyatt

1 Q. Okay. Now, does that kind of look like what she
2 was wearing?

3 A. Yeah. That was about what she was wearing, yeah.

4 Q. Okay.

5 A. The tank top and -- it was either shorts or
6 pants. I couldn't remember whether she was wearing shorts or
7 pants.

8 Q. Okay. Now, you mentioned something about a car.
9 Could you tell me about the car.

10 A. I remember it was a darker-colored car, and it
11 was a little compact car like a -- maybe a Honda or a Nissan
12 or something. I don't know exactly what it was --

13 Q. Okay.

14 A. -- that stopped. I know it was a darker little
15 compact car.

16 Q. And it stopped?

17 A. It's -- it was the car right behind us. It
18 didn't leave the church; we had pulled out in front of it
19 when we left the church. And when we come up past the high
20 school, it stopped behind us and talked to her, but I don't
21 know whether it went again or whether she got in or what. I
22 don't know.

23 Q. Okay.

24 A. I wasn't really paying attention that far.

25 Q. Okay. And you don't remember the color of the

Alicia Hyatt

1 car or anything?

2 A. I -- I know it was darker. It was probably a
3 blue or black, or maybe a dark gray. I'm not sure.

4 Q. Okay.

5 A. I know it was a darker-colored car.

6 Q. Okay.

7 A. And it was a little compact car.

8 Q. Okay. Outside of what you told us here today, do
9 you have any other information about what might have happened
10 to Leah that night?

11 A. No, I don't. And I don't really remember much
12 else. I -- I was 12.

13 Q. 12. Okay. What side of the street was she on?

14 A. Uh, she was on the side of the high school. She
15 was by the fence --

16 Q. Okay. And --

17 A. -- when I'd seen her.

18 Q. Where, uh -- you know, that's a long fence there.
19 Do you recall where she was in like -- say in relation to the
20 gate?

21 A. Um, the bus-boarding gate, or the gate to the --

22 Q. Either one.

23 A. Uh, she was about half in-between. She was, uh,
24 just past the bus bar, right on the edge of the corner,
25 coming around in front of the school.

Alicia Hyatt

1 Q. Okay.

2 A. That's where I remember seeing her. And the car
3 stopped about right there on the corner, just this side,
4 about two car lengths from the gate going into the parking
5 lot.

6 MR. FRASIER: Okay. Okay. I don't think I have
7 anything else to ask Alicia.

8 GRAND JUROR: Do -- um, you say that you saw a
9 car stop and someone get out. Do you know that someone? Did
10 you recognize that person?

11 THE WITNESS: I don't -- I didn't see that
12 person. I just saw them -- they, he -- I saw the car stop
13 and someone was either leaning out or getting out. I wasn't
14 sure which.

15 GRAND JUROR: But you could tell it was a male?

16 THE WITNESS: It was a person. I didn't know
17 whether it was male or female.

18 GRAND JUROR: Okay. Because you said -- okay.

19 THE WITNESS: It had short hair, so it could have
20 been anybody.

21 GRAND JUROR: So you couldn't tell whether it was
22 a male or a female?

23 THE WITNESS: Yeah, I couldn't tell whether it
24 was male or female. It had kind of, like, shaggy kind of
25 hair almost like -- I don't know. I can't think of anybody

Alicia Hyatt

1 with that short of hair.

2 But it -- yeah. I'm not sure whether it was male
3 or female. It was a darker figure. And it was just -- it
4 was either leaning out of the window or getting out of the
5 car, I couldn't tell which. I couldn't see if the door was
6 open or not. I was bickering with my friend over a shirt,
7 so. (Laughs.)

8 GRAND JUROR: Okay.

9 THE WITNESS: That conversation at that time was
10 kind of more important, but --

11 GRAND JUROR: Thank you.

12 THE WITNESS: -- that's what I remember.

13 GRAND JUROR: Who was your friend?

14 THE WITNESS: Uh, my friend Krista Fisher
15 (phonetic). She's been married since then; I don't remember
16 her name now. (Laughs.)

17 GRAND JUROR: Oh, okay. She's still around?

18 THE WITNESS: Uh, I believe she lives in Coos
19 Bay.

20 GRAND JUROR: Oh, okay.

21 THE WITNESS: I'm not sure. (Laughs.)

22 GRAND JUROR: Okay.

23 MR. FRASIER: All right.

24 GRAND JUROR: I've got a question.

25 MR. FRASIER: Sure.

Alicia Hyatt

1 GRAND JUROR: Did -- when, when it was told that
2 Leah was missing, um, did that click real fast that you'd
3 just seen her, at the time?

4 THE WITNESS: I -- actually, I didn't hear that
5 she was missing until the cop actually came to the house to
6 ask me if I'd remembered anything, and I -- I'd been out of
7 town. I went on vacation into Washington to see my
8 grandmother, and came back to find out she was missing.

9 GRAND JUROR: Mm-hmm.

10 THE WITNESS: And it was -- it was really
11 upsetting, and I -- I told the police officer everything I
12 remembered from that night. But, you know, it had been two
13 weeks since I'd been there, that --

14 GRAND JUROR: Right. Okay.

15 THE WITNESS: Then I remembered, this is what I
16 remember, and it was kind of really upsetting to me because
17 I've known her since I was little.

18 GRAND JUROR: Mm-hmm.

19 THE WITNESS: And I grew up with her, and it was
20 really upsetting to know that she was missing.

21 GRAND JUROR: Yeah.

22 GRAND JUROR: Had your -- had your mother con --
23 then contacted the police saying that she'd seen her -- you'd
24 saw her?

25 THE WITNESS: Uh, my mom had actually contacted a

Alicia Hyatt

1 friend of ours, the friend who I was with. That friend
2 contacted her grandmother and said that I was out of town,
3 but when I got back into town the cops could come up to the
4 house and interview me too because I was in the van.

5 GRAND JUROR: Mm-hmm.

6 THE WITNESS: But that's how I found out, is I
7 came home to find out she was missing.

8 GRAND JUROR: Okay. Thank you.

9 BY MR. FRASIER:

10 Q. Um, I just have one other question that just came
11 to mind.

12 When the police came and talked to you, do you
13 recall if you told them about this car that stopped?

14 THE WITNESS: I told them about the car, I think.
15 I'm not sure. I know it was a -- one of the county cops that
16 come up to the house. And I told him, I said I remembered
17 seeing her and I remember seeing the car. I don't remember
18 if I told him it stopped or not.

19 MR. FRASIER: Okay.

20 THE WITNESS: I don't remember.

21 MR. FRASIER: All right.

22 THE WITNESS: I remember telling him that I saw
23 the car and I saw her. And I thought I saw the car stop, but
24 I'm not sure if I told him that it did stop or not.

25 MR. FRASIER: Okay.

Thomas Bounds

1 THE WITNESS: And I -- when I thought about it
2 more, I remembered that I'd seen somebody leaning out the
3 car, or getting out, I wasn't sure which. But I forgot to
4 tell him that.

5 MR. FRASIER: Okay. All right.

6 Any other questions?

7 (Pause.) Okay. I'm going to have you talk to
8 the officers a little bit, if you don't mind.

9 THE WITNESS: Okay.

10 **TESTIMONY OF THOMAS BOUNDS**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. First of all, sir, this is the grand jury for
14 Coos County, and --

15 A. Nice to meet you.

16 Q. -- we'll be looking into the disappearance and
17 death of Leah Freeman.

18 It's obvious, but I need to tell you we're
19 recording the proceedings, okay?

20 First of all sir, could you tell us your name and
21 where you live.

22 A. My name is Thomas Bounds. Presently I live at
23 701 North Birch, No. 7. During this time of Leah's
24 disappearance I lived at 382 West Central Boulevard, No. 2,
25 which is across from the high school.

David Jenkins

1 tell you for sure. But I do -- that's the reason it kind of
2 stuck in my head, because when I saw her standing out there I
3 made the comment that if it was my daughter I wouldn't let
4 her be standing out there in that kind of a dress.

5 GRAND JUROR: Like a tube top.

6 THE WITNESS: Right.

7 GRAND JUROR: Sounds kind of like --

8 THE WITNESS: A tube top. Yeah.

9 I know if her mother knew she was dressed like
10 that, she wouldn't be standing out there dressed like that.
11 Kids have a tendency to hide clothes; wear one thing when
12 they're at home, and when they leave they change.

13 (Pause.)

14 MR. FRASIER: Okay. Any other questions?

15 Okay. That will do it sir. You're free to go.

16 GRAND JUROR: Thank you.

17 THE WITNESS: Thank you.

18 GRAND JUROR: Thank you.

19 **TESTIMONY OF DAVID JENKINS**

20 (Witness sworn.)

21 BY MR. FRASIER:

22 Q. First of all -- I guess maybe I can move up just
23 a bit, but -- could you tell us your name, please, sir, and
24 where you live.

25 A. David Jenkins. I live in Coquille, right outside

David Jenkins

1 of town on Highway 42. Uh, 9987 -- 9977 -- 99977 Highway 42,
2 Coquille.

3 And that's right outside of town by Clyde From
4 Glide.

5 Q. Okay. And how old are you, sir?

6 A. 31.

7 Q. Okay. So ten years ago, in the year 2000, you
8 would have been 21. Is that right?

9 A. Yes, sir.

10 Q. Okay. Do you know an individual named Nick
11 McGuffin?

12 A. Yes, I do.

13 Q. How do you know Mr. McGuffin?

14 A. Uh, well, back when we were kids -- I'm going to
15 say we were kids. Uh, when he was younger, I used to sell
16 him some pot once in a while.

17 Q. Okay.

18 A. He'd come over and we'd smoke out, and we'd take
19 a ride and go smoke out.

20 Q. All right. Outside of smoking pot with him, is
21 there -- did you hang out with him a lot or anything like
22 that?

23 A. Not really. There towards the end of, uh --
24 right before his girlfriend got hurt, and he was really
25 upset, uh, before then we would -- we were getting, you know,

David Jenkins

1 kind of friendly through -- I knew Aaron West and a couple of
2 the other guys, like Josh Ernler. Um, and I was just never
3 really in their group of, you know, kids because I skipped a
4 grade when we were younger. From the seventh I skipped
5 eighth grade and went right into the ninth because of the RBD
6 program back then, because I had an attitude and -- you know.
7 I never had to crack a book; I just knew the answer.

8 Q. Oh, okay.

9 A. So.

10 Q. All right. Did you know Leah Freeman at all?

11 A. Um, I knew of her. I didn't know her personally,
12 no. I wish I could have; I hear she was a really good
13 person.

14 Q. Did you know that Nick and Leah were
15 boyfriend/girlfriend?

16 A. Yeah, I knew that much. Yeah.

17 Q. Okay. Did you have an opportunity to see them
18 together or anything like that?

19 A. Um, once in a great while. I'd see them walking
20 once in a while. Um, a couple of times I'd seen them like
21 out downtown, but never really in a restaurant or nothing
22 like that. Not that type of setting, ever.

23 Q. Okay. So you didn't know -- you -- or would you
24 know how their relationship was going or anything like that?

25 A. Um, as far as I could see from the outside, it

David Jenkins

1 was okay. Um, I mean, normal boy -- boyfriend/girlfriend
2 stuff. "I want to do this." "No, I want to do this." You
3 know? And other than that, from what I hear and what I've
4 seen, it was okay.

5 Q. Okay. Well, I want to direct your attention to
6 the day that Leah disappeared. That would have been June
7 28th, 2000, that evening.

8 Were you at the Fast Mart that evening?

9 A. Oh, I could have been. Honestly, I could have
10 been. I mean, I'm not going to say I wasn't, but yeah, I
11 could have been.

12 Q. Well, do you -- previously, you'd been
13 interviewed by the police, and then you also testified to the
14 grand jury in 2000. Do you recall that?

15 A. Yeah.

16 Q. Okay. In previous statements and testimony you
17 say you were at -- you had been at the Fast Mart with Aaron
18 West at about seven o'clock.

19 A. Okay. Yes, that's the night that, um, Brendan
20 took my -- I had a key-chain switchblade. And I didn't know,
21 but in -- in our county and other counties in the state of
22 Oregon, without a license you can't own an automatic weapon
23 of any sorts. And not -- be it a knife or a gun.

24 Q. Oh, okay.

25 A. So I didn't know that. So he took it from me,

David Jenkins

1 and -- even the key-chain. He said it's still dangerous, and
2 he took it.

3 Q. Okay. So then when you say Brendan, that's
4 Officer Brendan --

5 A. That's Officer Brendan, sorry.

6 Q. -- with the Coquille Police Department.

7 A. Yes, sir.

8 Q. Now, while you're there at Fast Mart with Aaron,
9 did Mr. McGuffin show up? Nick?

10 A. Um, possibly.

11 Q. Okay.

12 A. I don't -- I remember that that -- that same day,
13 later on that evening, everybody was hanging out. And I
14 never really hung out -- hung out with them, like I say. It
15 was for a reason.

16 And, um, they all -- see, there's this thing
17 about your preps and stoners and hippies and what you've got,
18 you -- we're all grown up now, but, hey.

19 Um, anyway, they were getting searched by one of
20 the officers. I believe it could have been -- that was it.
21 That was that same day, and that could have been him and one
22 of his buddies.

23 Because one of them was -- was going to the
24 military, what have you. And basically they were -- got
25 caught smoking pot, and neither one of them wanted to take

David Jenkins

1 the blame, so the whole subject was just dropped just so long
2 as they got rid of the marijuana.

3 Q. Okay.

4 A. Which is, you know.

5 Q. All right. Again, I want to -- I'm going to go
6 back to your statements that you made --

7 A. Okay.

8 Q. -- in 2000, and what you said to the grand jury
9 in 2000.

10 You indicated that you're at Fast Mart with Aaron
11 West, it's about seven o'clock, and Nick shows up and he's
12 going to get cigarettes and a drink. Recall that?

13 A. No, I don't recall that at all.

14 Q. And then you said that Mr. McGuffin said he
15 needed to get away for a bit. Do you recall that?

16 A. No, I don't recall. That wasn't me, I'm going to
17 tell you that right now.

18 Q. Okay. Well, I can get the tape out and play it.

19 A. Well, that's fine too, but that --

20 Q. Okay.

21 A. If it was me, then I don't remember it. No.

22 Q. All right. And do you recall telling the grand
23 jury that Nick was driving a Mustang?

24 A. I recall telling the grand jury that Nick was
25 driving a Mustang. Me, him, and Aaron West went down to,

David Jenkins

1 uh -- me and Aaron were already there, in his Plymouth Fury
2 III. And Nick came down to Johnson Mill Pond and popped open
3 his trunk, talking about speakers and stuff. And I
4 couldn't -- it was just too clean for me.

5 Q. Okay. You went out to Johnson -- you were at
6 Johnson Mill Pond. Is that right?

7 A. Yeah.

8 Q. And Nick McGuffin's there; is that right?

9 A. We were already there, and Nick comes driving in.

10 Q. And Aaron West was there?

11 A. Aaron West was there.

12 Q. And Josh Ernler?

13 A. Yep.

14 Q. Okay. Did you all four of you smoke some
15 marijuana out there?

16 A. Oh, yeah, we did.

17 As -- as -- at the same time, he were -- we're
18 all gathered around Nick's car because Nick's a cool guy.
19 Nick's got, you know, his Mustang out there. And he's
20 talking about how he wants to put in speakers and this, that,
21 and the other. And, you know, we're all just talking about
22 speakers and stuff.

23 So he opens his trunk and he's, you know, this is
24 where things are going to be; and this, that, and the other.
25 Yeah.

David Jenkins

1 Because I remember -- I remember that blatantly
2 clear, still, to this day because it -- I couldn't fathom how
3 a guy would have an entire blue car, and the inside's all
4 done up, and the trunk's completely white. Still base-coat
5 white.

6 Q. Okay.

7 A. I mean.

8 Q. All right. You recall what time it was when you
9 left the pond?

10 A. No, I don't.

11 Q. In previous statements you said nine o'clock.
12 Does that sound about --

13 A. It was pretty late. It was after dark.

14 Q. All right. Did you go back to Fast Mart?

15 A. Um, see, it's -- I don't remember my day-to-day
16 goes [sic]. Like, uh, that's not -- you know. I -- I don't
17 know how anybody can remember that from 10 years ago --

18 Q. All right.

19 A. -- to tell you the truth.

20 Q. Previously, you testified that you saw -- you
21 went back to Fast Mart, you saw Nick at Fast Mart, he was
22 asking if you knew where Leah was.

23 A. Yeah, I remember -- I remember something. Nick
24 was looking for his girlfriend. He was upset because he
25 couldn't find her, and they had been in an argument or

David Jenkins

1 something like that. I remember that, yeah.

2 Q. And he was still driving the Mustang when you saw
3 him at Fast Mart, right?

4 A. Yes, he was.

5 Q. Now, did he come back later?

6 A. (Indiscernible.) Um, it could have been the next
7 day.

8 Q. Okay.

9 A. I remember -- I remember after that -- after that
10 evening, at -- nobody wanted to talk to anybody.

11 Q. Okay.

12 A. But like I've told everybody, if I knew anything,
13 you know, and if it comes -- arises, I'll -- I'd say it.

14 Q. Okay. Going back to what you testified to
15 before, you indicated that Nick came back to Fast Mart
16 sometime after the first time -- half hour, an hour,
17 something like that. And at that time he's driving a
18 different car. Do you recall that?

19 A. Yeah, he was. Oh, whose car was it? I think it
20 was his parents' car, I believe.

21 Q. Okay. Was it like -- do you remember what color
22 it was?

23 A. It was either -- um -- um -- it was either his
24 parents' car or it was, uh, that -- there was an El Camino
25 running around. One of the guys owned that.

David Jenkins

1 Q. Okay.

2 A. He was -- he was always -- he was friends with
3 him.

4 Q. Okay. Was it -- well, I'm just going to go off
5 here.

6 A. Mm-hmm.

7 Q. You indicated before he was driving a red or
8 maroon-colored Thunderbird.

9 A. Yeah, his parents' vehicle.

10 Q. Okay.

11 A. What he said was his parents' vehicle.

12 Q. Okay. Do you recall how Nick was acting when he
13 came back in the Thunderbird?

14 A. Upset. Like, distraught.

15 Q. Okay.

16 A. Just, I want to say distraught now that I'm
17 older, but to me back then it was just upset. You know, he
18 was like, frustrated with himself. But now it's -- now, you
19 know, there's -- he was distraught.

20 Q. Okay. Was he crying?

21 A. Yeah.

22 Q. Okay. And do you see Nick over the next few days
23 after Leah disappeared?

24 A. I -- I don't remember exactly --

25 Q. Okay.

David Jenkins

1 A. -- but I'm sure I have. I did -- you know, at
2 one point we went up to his parents' house and smoked a
3 little bit. And it was me and a couple of other fellows and
4 Nick.

5 Q. All right. Now, do you know a girl named
6 Michelle Emra (phonetic)?

7 A. Yeah, I do. I dated her.

8 Q. You dated her?

9 A. Bateman.

10 Q. Okay. And I'm going to ask you some questions.
11 Do you recall being at some sort of a party at
12 Michelle's house in August of 2000?

13 A. Nope. Never partied there.

14 Q. Never partied?

15 A. Never partied there, not at her house. I drank
16 there once in a while, and that was pretty much it. Because
17 I -- my dad's an alcoholic, and now I pride myself on not
18 turning into one.

19 Q. Okay.

20 A. I drink a beer once in a while, you know. I
21 mostly smoke a little weed, honestly, you know.

22 And I try not to even carry that over because now
23 I got older kids and they're -- you know, kids catch on. So
24 you knock that shit off, eventually.

25 But I remember drinking there once, and there was

David Jenkins

1 a couple of other people there, and I drank heavy that night.
2 Well, she says she's going to call the cops on me. And I had
3 a bunch of pot and all this other stuff, so I got mad. Yeah,
4 I got mad.

5 Q. Okay. Well --

6 A. And I just walk -- I got on my bike; I remember
7 riding off. I remember what's-his-face coming to Safeway to
8 get me, because I was waiting on a cab to take me to a motel
9 in Coos Bay.

10 Q. Okay. Well, the reason I'm asking is I've got
11 some sources, some witnesses that the grand jury's going to
12 hear from later, that -- at least one witness that saw you at
13 a party with Mr. McGuffin, and that you asked Mr. McGuffin
14 what he strangled Leah Freeman with.

15 A. No. No. On my life, no. Me and Nick -- this is
16 how much we liked each other. He came and got a bag of weed
17 from me, and he left me the hell alone. He never really
18 liked me, and I never cottoned to him.

19 Q. Okay.

20 A. Like I said, towards the end, yeah, towards --
21 towards the end, because, you know, I knew Denise and Denise
22 was a good person. And she lived at Hillside Terrace. And
23 she would need things, like, once in a while a drywall. Once
24 in a while, you know, "Hey, can you get this off the wall for
25 me so I don't get in trouble; my kid did this."

David Jenkins

1 Well, being the person I am -- I'm poor, I know
2 what it's like not to have money -- to be able to just say,
3 "Hey, ring-a-ling contractor, come to make this disappear so
4 that my landlord don't jump my butt for it."

5 "Well, yeah, Denise, I'm going to do that."

6 "Well, don't let nobody come and see you come to
7 my house because of what you -- what you're known for. Okay?
8 And I have children."

9 "Okay, Denise. No problem. I can do that."

10 So I come and do what I got to do, and leave.

11 Q. Okay. So I guess what I'm trying to ask you, and
12 I want to make sure it's very clear: Did Nick McGuffin ever
13 tell you that he killed Leah Freeman?

14 A. No, sir, he didn't.

15 Q. Okay.

16 A. No, sir. There -- that -- no. He never did.
17 And if he --

18 Q. Do you know who killed Leah Freeman?

19 A. No, I don't. No, I don't, because that's --

20 Q. When was the last time you had contact with Nick
21 McGuffin?

22 A. With Nick. Hmm, 10 years ago. That, since --
23 since that -- since the night he swapped the cars, because I
24 felt -- I just felt in my gut something was weird. Since the
25 night he swapped the cars, me and -- and shortly after that,

David Jenkins

1 me and Aaron stopped becoming friends too. We stopped -- we
2 were -- we didn't hardly talk or anything. That whole thing
3 messed up everybody's friendship with everybody, you know.

4 Things I wanted to do and things I wanted to get
5 in on weren't really allowed, or anything like that, because
6 of this happening, you know. And they were all good kids, as
7 far as I'm concerned. As far as I knew, they were all good
8 kids.

9 And, you know, just -- no. He never said nothing
10 of the sort.

11 Q. All right.

12 A. And I lost a lot of good friends because of this.

13 Q. Okay.

14 A. If I knew -- like I said, if I knew or if I hear
15 anything, even -- even until you guys put somebody away for
16 him -- for it, if I knew or heard anything I'd say it.
17 Because it's wrong. It's just totally wrong.

18 MR. FRASIER: Okay. I don't think I have
19 anything else to ask Mr. Jenkins.

20 Does the grand jury want to ask him anything?

21 GRAND JUROR: I'm a little fuzzy on the time line
22 of the switching of the cars and when you saw the -- the mill
23 pond?

24 THE WITNESS: Okay. Um, it was right all in
25 jumble. To me, it's jumbled up because I've -- I've mostly

David Jenkins

1 logged since then. And I had one thing on my mind: Making
2 money, logging, you know. Trying to be honest, which means
3 get out of, you know, selling pot and stuff; which I have
4 been able to, you know, which is good for me.

5 Um, right around in the same time frame, within
6 that night, that night he was at Fast Mart in his Mustang, I
7 want to say. And then the next -- with -- sometime within
8 that evening or in the next morning, afternoon, he had -- was
9 driving a total different car, a Thunderbird. And he said it
10 was his parents' car.

11 And that night was when -- or that next
12 afternoon, right in there, before -- right before he swapped
13 out cars, we were out there at the mill pond smoking out.
14 Because I remember, um, two days previous the sheriff's
15 department caught me and Aaron coming out of there.

16 GRAND JUROR: Okay.

17 MR. FRASIER: Any other questions for
18 Mr. Jenkins?

19 GRAND JUROR: Was the mill pond a place where a
20 lot of people hang out?

21 THE WITNESS: Yes, ma'am. A lot of the kids went
22 out there, because it's out of town. Normally the local
23 police department stayed in town mostly, and the sheriffs
24 were pretty relaxed back when we were kids, so.

25 MR. FRASIER: Okay. We've got to stop in a

Arthur Jones

1 second, I think. The tape ran out over here.

2 Oh, go ahead.

3 THE WITNESS: Oh, okay.

4 MR. FRASIER: It's recording there.

5 THE WITNESS: Okay. Sorry. I'm -- the sheriff's
6 department was pretty relaxed when we were kids. And being's
7 you're going to be kids, you're going to roughhouse, you're
8 going to do things like that. But if you're not blatantly
9 out causing somebody else harm, or stealing or causing
10 trouble, they mostly let some -- you know, a few things
11 slide. Which is, you know, in most local law enforcements, I
12 don't care you're in Cincinnati or you're back here, you
13 know, kids will be kids. But then when something terrible
14 happens, it needs to be dealt with.

15 MR. FRASIER: Okay. Any other questions?

16 (Pause.) Okay. I guess that will do it,
17 Mr. Jenkins.

18 THE WITNESS: Okay.

19 MR. FRASIER: Mr. Jenkins, you're free to go.

20 THE WITNESS: Okay. Thank you, guys.

21 GRAND JUROR: Thank you.

22 **TESTIMONY OF ARTHUR JONES**

23 (Witness sworn.)

24 BY MR. FRASIER:

25 Q. Okay. First of all, sir, this is the grand jury

Arthur Jones

1 second, I think. The tape ran out over here.

2 Oh, go ahead.

3 THE WITNESS: Oh, okay.

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6 department was pretty relaxed when we were kids. And being's
7 you're going to be kids, you're going to roughhouse, you're
8 going to do things like that. But if you're not blatantly
9 out causing somebody else harm, or stealing or causing
10 trouble, they mostly let some -- you know, a few things
11 slide. Which is, you know, in most local law enforcements, I
12 don't care you're in Cincinnati or you're back here, you
13 know, kids will be kids. But then when something terrible
14 happens, it needs to be dealt with.

15 MR. FRASIER: Okay. Any other questions?

16 (Pause.) Okay. I guess that will do it,
17 Mr. Jenkins.

18 THE WITNESS: Okay.

19 MR. FRASIER: Mr. Jenkins, you're free to go.

20 THE WITNESS: Okay. Thank you, guys.

21 GRAND JUROR: Thank you.

22 **TESTIMONY OF ARTHUR JONES**

23 (Witness sworn.)

24 BY MR. FRASIER:

25 Q. Okay. First of all, sir, this is the grand jury

Arthur Jones

1 for Coos County, and we're looking into the disappearance and
2 death of Leah Freeman. And it's obvious, but we're recording
3 the proceedings, okay?

4 A. Right.

5 Q. First of all, could you tell us your name,
6 please, sir.

7 A. Arthur C. Jones.

8 Q. And where do you live, sir?

9 A. In North Bend.

10 Q. Okay. Mr. Jones, phrasing -- well, first of all,
11 do you, are you acquainted with an individual named Nick
12 McGuffin?

13 A. No.

14 Q. Okay. And not Leah Freeman herself?

15 A. No.

16 Q. Okay.

17 A. I know who she is from all the media and
18 everything, but I never met her.

19 Q. Do you know an individual named Bill Sero?

20 A. Yes, I do.

21 Q. How do you know Mr. Sero?

22 A. Oh, way back in the day, me and him used to be
23 friends.

24 Q. Okay.

25 A. But he's done other stuff, and we went our ways

Arthur Jones

1 before all this other stuff happened.

2 Q. All right. And Tom Stemmerman?

3 A. Yeah, I know him.

4 Q. And how well did you know him?

5 A. I knew him decently well. Like I said, it was
6 another one of those things, like -- they both went downhill,
7 bad.

8 Q. Okay. We'll just get right to it. Again, I'm
9 not trying to embarrass you or anything --

10 A. Oh, no. No.

11 Q. -- or anything like that, okay?

12 You used to be involved with methamphetamine.

13 A. Yes, I did.

14 Q. And Stemmerman and Sero, were either one of them
15 your sources, or --

16 A. Um, yeah.

17 Q. Okay. And prior to Leah Freeman disappearing,
18 were you close with Sero and Stemmerman?

19 A. I wouldn't say, no, I was close. Me and -- like
20 I said, me and Bill were done years before that. We had --

21 Q. Okay.

22 A. -- some disagreements, and, uh -- but I was still
23 acquaintance with Tom.

24 Q. All right. After Leah disappeared, did you see a
25 change in either one of these individuals?

Arthur Jones

1 A. For sure.

2 Q. Okay. Why don't you tell the grand jury about
3 that, please.

4 A. It's after, you know -- I stopped even going over
5 after I seen their behaviors and stuff like that. And, like,
6 Bill Sero and me had the same day care. So when I'd be there
7 picking my kid up, and Erica would be coming and getting her
8 kids, he just -- he was just a freak. Check -- looking
9 around at the car, opening the trunk. Just almost everywhere
10 you seen him with Erica, and she was doing something, he'd be
11 outside that car.

12 Q. Okay. Do you recall being -- picking up your
13 kids at day care around the time that Leah Freeman
14 disappeared, at all?

15 A. Um, no. This would have been after. After the
16 fact that --

17 Q. After. Okay.
18 Stemmerman. Did you go out to his place? You
19 used to live off of --

20 A. Yeah, I've been out there.

21 Q. Okay. And what road was that, east of -- Libby
22 Drive?

23 A. South Libby, yeah.

24 Q. And after Leah Freeman disappeared, how did he
25 behave out at his house?

Arthur Jones

1 A. Oh, it wasn't so much his behavior on his own, it
2 was, uh, the change of where things took place.

3 Q. Okay. What do you mean by that?

4 A. Well, it used to be down in the basement was his
5 little shop, because he was always dinking around out back.
6 And then after a while, then, he was remodeling the
7 downstairs and everything was upstairs and no one could go
8 down there.

9 Q. Okay. Was there -- you mentioned his car. Was
10 there something about the trunk of his car? Maybe I missed
11 that when you were talking about that.

12 A. Uh, who?

13 Q. Stemmerman or Sero?

14 A. Um, it wasn't something about his car. I'm not
15 sure, but he was just -- he seemed like he was checking it
16 out, looking in the trunk, so I don't know exactly --

17 Q. Okay.

18 A. -- but it was just weird behavior.

19 GRAND JUROR: Who was that? I'm sorry.

20 THE WITNESS: Bill.

21 BY MR. FRASIER:

22 Q. Was there something to do with a garbage bag
23 involving Mr. Stemmerman?

24 A. Um, somewhat. I mean, when I was there, Bill
25 came down talking to Tom, and I was out there working on the

Arthur Jones

1 car. And all of a sudden they didn't -- they weren't wanting
2 to talk around me, so they went off, but -- and it was some
3 other guy that lived with Bill, I don't know who he was, had
4 a black garbage bag.

5 Q. Okay. And was there anything said about this
6 garbage bag?

7 A. Like I said, they didn't want to talk in front of
8 me. So.

9 Q. Okay. I guess what I want to get to, sir, and
10 you probably already know this, is that the McGuffin family
11 and a couple of individuals -- for instance, do you know a
12 guy named Scott Simons?

13 A. Scott Simons. It's not ringing a bell.

14 Q. Okay. Or an Andrew Ousley?

15 A. No.

16 Q. Okay. The McGuffin family, and apparently
17 they're relying on these people to some degree, they're
18 claiming that you disposed of bloody clothing on behalf of
19 Mr. Sero or Stemmerman.

20 A. Nope.

21 Q. And you did not do that?

22 A. Not at all.

23 Q. Okay. Have you ever disposed of anything for
24 these guys?

25 A. I've never done nothing for those guys. Nothing

Arthur Jones

1 at all.

2 Q. Okay.

3 A. As I said, when I started seeing where he is and
4 stuff like that, I was done. I was -- didn't make contacts
5 with him anymore after that. I made up my own opinion, and
6 that was that.

7 Q. So we're abundantly clear, I just want to make
8 sure we're clear: You never disposed of any evidence for
9 these --

10 A. No. I've never even seen a piece of evidence
11 unless something was in that black bag. I have no idea what
12 was in it, I just know they didn't want to talk around me
13 about whatever they were doing.

14 I've never seen a piece, never disposed of a
15 piece, never touched a piece.

16 GRAND JUROR: At the time this was going on, was
17 this like a methamphetamine house?

18 THE WITNESS: Yeah.

19 BY MR. FRASIER:

20 Q. And Mr. Stemmerman, the narcotics unit eventually
21 raiding his house several times, and he ended up going to
22 prison, didn't he?

23 A. Well, that's what I heard, but I was thinking it
24 was something to do with the -- the case, is what I thought.
25 I didn't know. I knew he ended up in jail, with prison time.

Arthur Jones

1 But like I said, I didn't make contact with him
2 after any of that, so I just figured it had to do with this
3 case.

4 Q. All right. When was the last time you had
5 contact with Stemmerman or Sero?

6 A. Um, I couldn't even tell you a date even around
7 about it. It was when he moved the shop upstairs and he was
8 remodeling, and that was there --

9 Q. We're talking 10 years ago?

10 A. Probably, yeah. Somewhere in the time right
11 after.

12 Q. You haven't seen these guys for years?

13 A. No.

14 Q. Okay. Do you have any other information about
15 the death of Leah Freeman? Anything that --

16 A. Uh, no. I really don't know anything about it,
17 except for -- you know. I just have my -- what I think, and
18 you -- over the 10 years you hear different stories, and most
19 of them seem to be -- have those guys in the stories. So,
20 I've -- in my mind, even if they turn out to be innocent,
21 I'm -- I'm stuck with my opinion already.

22 Q. All right.

23 A. I wouldn't trust those guys as far as I could
24 throw them.

25 MR. FRASIER: I don't think I have any other

Arthur Jones

1 questions for Mr. Jones. Does the grand jury want to ask him
2 anything?

3 GRAND JUROR: The contact that you had at the
4 kids' day care, that was after all of this went -- after
5 June?

6 THE WITNESS: Yeah, it was after she was missing
7 and all that.

8 GRAND JUROR: So right in that area, the end of
9 June, when she went missing and all, you weren't having
10 contact with either of these two people, or anything --

11 THE WITNESS: No, except for at the daycare. And
12 he would be out, I would be in there, Erica would be coming
13 in to get her kids. And, you know, the windows are open.
14 You could see him --

15 GRAND JUROR: Sure.

16 THE WITNESS: -- just acting weird.

17 GRAND JUROR: Where was the day care at?

18 THE WITNESS: It was right by Sunset School. I
19 think Michigan Street --

20 GRAND JUROR: This is in --

21 THE WITNESS: -- and Empire.

22 GRAND JUROR: What kind of car did he have?

23 THE WITNESS: I think it was a blue Taurus, I
24 think.

25 GRAND JUROR: Light blue, dark blue?

Heidi Crook

1 THE WITNESS: It was dark blue.

2 GRAND JUROR: And did I understand correctly that
3 right after the disappearance of Leah, that their attitude
4 and demeanor changed?

5 THE WITNESS: Right. Bill's demeanor and his
6 personality totally changed. Tom just switched things up in
7 his house, and it was just, you know, coincidental. They're
8 hanging out. They don't want to talk around me at that time
9 anymore. And I just -- it was too weird for me.

10 GRAND JUROR: Did they come to Coquille often?

11 THE WITNESS: Um, Bill seemed to. He seemed to
12 go to Bandon and Coquille all the time, but I think the
13 one -- I think the mom or something lived over here. Erica's
14 mom. So, I don't know about Tom.

15 MR. FRASIER: Anything else?

16 (Pause.) Okay, sir. That will do it. You're
17 free to go.

18 THE WITNESS: Thank you.

19 GRAND JUROR: Thank you.

20 **TESTIMONY OF HEIDI CROOK**

21 (Witness sworn.)

22 BY MR. FRASIER:

23 Q. First of all, this is the grand jury for Coos
24 County, and we're looking into the death of Leah Freeman. I
25 think it's obvious, but I got to tell you we're recording the

Kris Karcher

1 GRAND JUROR: Well, I -- it may be -- maybe
2 about -- no.

3 MR. FRASIER: Okay.

4 GRAND JUROR: I'll ask you later.

5 **TESTIMONY OF KRIS KARCHER**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. First of all, this is the grand jury for Coos
9 County, and we're looking into the death of Leah Freeman.

10 A. Mm-hmm.

11 Q. And it's obvious, but I have a recorder going --

12 A. Yes.

13 Q. -- recording you.

14 A. Mm-hmm.

15 Q. And first of all, could you tell us who you are
16 and what your occupation is.

17 A. My name is Kris Karcher. I am a forensic nurse
18 for the county and I'm the chief deputy medical examiner.

19 Q. How long have you been the chief deputy medical
20 examiner?

21 A. Um, the day after we found Leah was the very
22 first day as the chief deputy medical examiner. Up to that
23 point I had been, um, part-time.

24 (Pause.) So about 11 years? What is -- what is
25 it? 11 years?

Kris Karcher

1 Q. It's been ten years.

2 A. Ten? Ten years.

3 Q. Why don't you tell the grand jury a little bit
4 about your background, your training, what -- and what you
5 do.

6 A. Um, I -- I was an emergency room nurse for, oh,
7 about 15 years. And then I went back to school and got a
8 master's level certificate in forensic nursing. And, um, so
9 now I -- I basically am a death investigator.

10 Um, I do -- probably half of what I do for the
11 county are live victims of violence. So I look at a lot of
12 wounds, a lot of strangulation, that kind of thing. And then
13 do all of the death investigation for the county.

14 Q. And as part of your work, you're assigned to work
15 with the major crime team?

16 A. Yes, I am.

17 Q. And so when they have a homicide or a death,
18 you're involved in recovery of the body, preservation of the
19 body at least through autopsy, and so forth?

20 A. Yes. Mm-hmm.

21 Q. In this case, August the 3rd of 2000, the body of
22 Leah Freeman was found off of Lee Valley Road in Coos County?

23 A. Yes.

24 Q. And did you respond to the scene?

25 A. Um, I was actually with the group that found her

Kris Karcher

1 that morning --

2 Q. Okay. Well, why don't you --

3 A. -- or that afternoon.

4 Q. Why don't you tell the grand jury what happened.

5 A. Uh, this happened to be a day that there were
6 three detectives: Two detectives from Coos Bay, a detective
7 from North Bend, and myself. All of us had a day off, is how
8 we got there.

9 We, um, went to the sheriff's office. We talked
10 to one of the lieutenants there, um, and said, "We have a
11 free day; we are going to go look for Leah. Where do you
12 think we should look?" And he gave us three spots on a map
13 to go and look, and Lee Valley Road was the -- the last
14 place, um, at the end of the day that we went to check.

15 Um, a couple of the detectives were down by the
16 creek off of Lee Valley Road, and myself and another
17 detective were walking the road -- the roadside, um, along
18 the shoulder of the road.

19 Um, the detective -- the two detectives down
20 below, um, actually smelled something. They were walking
21 along the creek bed; the road's up here. Um, they smelled
22 something and so they walked towards the road and found
23 Leah's body.

24 And then they called us, and we all kind of
25 converged there and got the -- the major crime team going at

Kris Karcher

1 that point.

2 Q. All right. Now, once the body was found,
3 pictures were taken and so forth of where she was found?

4 A. Yes.

5 Q. And I believe the pictures have been already
6 circulated to the grand jury, so they've already seen the
7 scene, and so forth.

8 A. Mm-hmm.

9 Q. Could you describe for us the condition of the
10 body, where -- and how it was positioned and so forth.

11 A. Um, the -- she was badly decomposed. Um, some --
12 there was some leg tissue. Um, the organs were basically
13 all, um, disintegrated and, um, decomposed.

14 She appeared to have like rolled down the bank.
15 She was laying on her back, but one arm was kind of
16 underneath her, one arm was across the front of her.

17 Um, there had been some rodent activity. You
18 could see bites in her clothes.

19 Q. The leaves and branches and stuff?

20 A. Right. There was -- um, she was down in the
21 foliage. Um, some of the foliage was over her, and stuff,
22 and --

23 Q. Yeah.

24 A. Yeah. There were leaves and stuff that were --
25 she had been there for a period of time.

Kris Karcher

1 Q. Okay. The body, when it was removed -- was a,
2 like a piece of plywood brought in, and she was --

3 A. Right. We brought, um, a piece of plywood down,
4 and then just kind of scooted it underneath her; kind of,
5 pulled her up onto it. And then put that in a bag and took
6 that on, um, for autopsy.

7 Q. The next day was the autopsy; is that right?

8 A. Yes. I think it was the next day.

9 Q. And once the body had been removed -- and was it
10 obvious, or did you see discoloring on the ground where the
11 body had been laying?

12 A. Right. She had been laying there for a while.
13 There was an area of decomp. It's usually a dark -- darker
14 color, um, where the body fluids as they -- as you decompose,
15 had gone into the ground.

16 Q. How do I want to put this? When you say she had
17 been there a while, what do you mean?

18 A. She -- she had been there for several weeks. Um,
19 it -- probably from the time she disappeared. Um, it would
20 be consistent with that.

21 Q. At autopsy, Dr. Olson was the autopsy surgeon?

22 A. Yes, he was.

23 Q. And you were present there?

24 A. Yes.

25 Q. What did you -- what was found at autopsy?

Kris Karcher

1 A. Not much as far as injuries or, um, causation.
2 There was really nothing found. She was just badly
3 decomposed. There were no organs really to, um -- to -- to
4 examine.

5 Um, he found the hyoid bone. The hyoid bone is
6 in the neck. You sometimes will hear it on news when they
7 find a decomposed body or, um -- they will try to determine
8 from a fracture or injury to the hyoid bone whether or not
9 there has been a strangulation.

10 So, we -- he found the hyoid bone. It -- it
11 actually was in three pieces. It doesn't fuse; that's how it
12 comes. Um, it comes in three pieces, and then it fuses
13 together about age 21. Hers was still in three pieces; it
14 didn't look like there was any injury to it.

15 Um, as far as any other injury, we really didn't
16 find any injuries or cause of her death at that point.

17 Q. Sometimes in examining a body, if someone has
18 been shot, you can look, say, find the bullet hole in the
19 head, or look at the ribs or at the bones and see if there's
20 any injury caused by a bullet.

21 A. Right. It would be highly unlikely to be shot
22 and not have an injury to a bone. Um, but it would be --
23 if -- and -- nothing -- and no injury to clothes. Um, you
24 would expect to find a bullet hole someplace.

25 Q. The clothes were sent to the crime lab; no bullet

Kris Karcher

1 holes were found in the clothes?

2 A. No.

3 Q. Was an attempt made to examine, say, for example,
4 her ribs and so forth for knife marks, or --

5 A. Right. Um, when you're stabbed, you're often --
6 it often leaves marks on the bones. It'll cut the bones;
7 it'll scratch the bones. Um, ribs. Because to kill somebody
8 by stabbing them is usually going to either be the neck or
9 the chest area.

10 So, all the ribs were removed and each one was
11 examined, um, for any sort of marks from a knife, and none
12 were found.

13 Q. Okay. One of the rumors floating around town has
14 been that Leah was shot in the head. Her skull was examined?

15 A. Yes, her skull was examined.

16 Q. And there -- was there any indication of her
17 skull -- uh, that she had been shot in the head?

18 A. None. No.

19 Q. Were there any fractures in the skull?

20 A. No. There -- there was no injury to her skull.

21 Q. Another rumor floating around town is that her
22 teeth were pulled or -- and she was wearing braces at the
23 time she disappeared -- or that her braces had been ripped
24 out. What can you tell us about her teeth and so forth?

25 A. Her -- all of her teeth and braces were intact.

Kris Karcher

1 In fact, that's one of the first things that was kind of --
2 you will see from the pictures too, that -- kind of
3 startling. The -- you know, the mouth was open, but he saw
4 all of her bright, shiny braces. Yeah, they were all intact.

5 Q. Okay. Another rumor is that all her fingers were
6 cut off.

7 A. No. She had all of her fingers. And there were
8 no injuries to them.

9 Q. Okay. Now, as part of this investigation, one of
10 the things that you were trying to determine was if Leah had
11 ingested some sort of controlled substance prior to her
12 death.

13 A. Yes.

14 Q. The tissue that remained, some of that was able
15 to be sent for some examination?

16 A. Right. They took some muscle from her leg, and
17 sent it off for toxicology.

18 Q. And you're not able to test for all controlled
19 substances?

20 A. Right. It's -- it's limited to the -- to the
21 main, um, drug categories.

22 Q. And that lab report was attached to the autopsy
23 report?

24 A. I believe it is, yeah.

25 Q. All right.

Kris Karcher

1 A. Mm-hmm.

2 Q. And actually Leah was positively identified based
3 upon her teeth and her braces and so forth.

4 A. Yes, it was. She was dental, um, positive.

5 Q. Are you familiar with a procedure involving a
6 maggot casings?

7 A. Yes.

8 Q. Why don't you tell the grand jury about that.

9 A. Um. Well, just a quick little summary of
10 maggots. When a maggot goes through its life-cycle, it --
11 the egg gets laid, it turns into a maggot. Um, at some point
12 it crawls from its food source. If it's big enough, warm
13 enough, whatever, it crawls away.

14 And it usually crawls like in a northeasterly
15 direction about 4 to 10 feet away from the body, buries
16 itself in the soil, and it becomes a cocoon like, um -- and
17 they -- the shell of that cocoon is called a pupa. That's
18 P-U-P-A.

19 And, um, pupas then, the -- the maggot as it
20 manifests itself into a fly, um, will come out of that
21 pupa -- pupa, and will crawl out of the dirt and fly away.

22 Well, you can go back to a site and actually dig
23 those pupas up. And they are made of protein, and so if --
24 if the body that they have been feeding on died of drugs or
25 had drugs in their system, it will be in that protein.

Kris Karcher

1 And so we went out and spent some time, knowing
2 where we might find the large portion of them, dug those up,
3 sent probably 100 of these little casings off to the FBI lab.
4 And then they rehydrate them and test them. And those were
5 negative as well, for illegal -- the main illegal drugs.

6 Q. There has been a -- since 2000, there has been a
7 considerable amount of investigation trying to figure out who
8 is responsible for Leah's death. One of the things that I
9 want to ask you about: Was there an attempt made to see if
10 you could find any DNA on Leah's clothing?

11 A. Yes, there was.

12 Q. And at the time in 2001, 2002, was there a
13 discussion about if we could find what's sometimes referred
14 to as touch DNA?

15 A. Yes.

16 Q. Could you tell the grand jury what touch DNA is.

17 A. Touch DNA is, um, a DNA process. They swab where
18 they think someone might have touched someone's clothes. Um,
19 they're now doing it on skin and all sorts of things, but
20 back then it was a relatively new process.

21 And it was the feeling that she had a metal, uh,
22 button on her jeans. And so it was real hopeful that maybe
23 there was DNA on that button, as well as other places on her
24 clothes.

25 They look at places where people might have

Kris Karcher

1 grabbed somebody, picked them up to move them; like under the
2 arms. Um, you know, under the knees. Someplace where
3 they've been picked up, they can sometimes get a transfer
4 some -- somebody's hands, that's moved them, onto their
5 clothes.

6 Q. In this case did you do some research to try to
7 figure out who would do that type of testing back in 2001,
8 2000?

9 A. Right. Um, what we found was, is that there was
10 a -- the labs in the United Kingdom, their forensic labs.
11 They consistently are about five to ten years beyond the
12 United States, and they were doing touch DNA.

13 And they were able to take DNA, and -- it's a
14 process of replication. And they -- they exceeded the
15 recommended, um, amount of replications here in the United
16 States. They just -- they -- their testing was a little more
17 sensitive than what we could do.

18 So all of the clothes we gathered up and, um,
19 another detective and myself took them over to England, um,
20 and they processed all those clothes.

21 Q. Unfortunately, you didn't get any results?

22 A. We did not get any results. There was no DNA,
23 uh, found on her clothes.

24 Q. Now, since the death of Leah -- and the grand
25 jury's heard this from a couple people so far -- there's been

Kris Karcher

1 some rumors running around that Leah was killed by being hit
2 by a car and run over.

3 As part of your duties as the medical examiner,
4 are you also assigned to what's referred to as the crash
5 team?

6 A. Yes, I am.

7 Q. Why don't you tell them what the crash team is.

8 A. Uh, the -- the crash team is a motor vehicle
9 crash reconstruction team. And it -- it involves, um --
10 there's members of the team. Um, there's a reconstructionist
11 that does all the mathematical stuff, deciding how fast
12 somebody might have been going. There's some techs that help
13 with measurements and all that thing.

14 And then my responsibility on the team is to look
15 at the biomechanics of impact. I look at injuries that
16 people have sustained in a crash, and try to figure out what
17 might have caused those injuries; what force might have
18 caused those injuries.

19 Q. And the crash team, in addition to looking at
20 people that are inside of cars that were injured as a result
21 of the car crash, also looks at cases where a car may have
22 hit a pedestrian or something along that line.

23 A. Yes. We're called out on all pedestrian-vehicle
24 crashes.

25 Q. Can you tell the grand jury, in your experience

Kris Karcher

1 when you're looking at someone who has been hit by a car that
2 has been given an -- a fatal injury, or injury that killed
3 them --

4 A. Mm-hmm.

5 Q. -- what type of things are you going to look for
6 in a person's body for that?

7 A. Well, first of all it would be highly unlikely
8 that you would not have a fractured leg, right off the bat.
9 Um, I have never seen anyone hit by a car, um, that -- in
10 fact, I don't know that I've seen many that have been hit by
11 a car that have survived that didn't have fractured legs.
12 Fractured legs and heads, shoulders, elbows, seem to be
13 the -- the main thing.

14 Usually, you're hit in the bumper in the leg,
15 hit, and then you're thrown up on the -- on the hood of the
16 car, impacting the -- the windshield or the A pillars.
17 Shoulders, elbows, heads. Um, so there's really distinctive
18 injuries to a pedestrian being hit.

19 Q. And do you often -- as part of your training, do
20 you also look at their clothing?

21 A. Yes.

22 Q. And what type of things are you looking for
23 there?

24 A. You're looking for an imprint from the bumper.
25 Um, you're looking for any sort of tears. You're looking for

Kris Karcher

1 the, um -- any sort of defect of the clothes that might have
2 been caused by the vehicle, or might have been left on the
3 vehicle that you can go back to the vehicle and find, like
4 the imprint of jeans under the, the bumper. Those kind of
5 things.

6 Q. In addition, if somebody's been hit by a car, and
7 they bounce off the car and then hit the ground, is there
8 things you're going to be looking for there?

9 A. Right. Any defect in the clothes. Um, is that
10 what you --

11 Q. Sometimes referred to as road rash?

12 A. Oh, yes. Yeah. It'll tear the clothes. It'll
13 tear the skin underneath it. It'll remove the -- the fabric.
14 It will, um -- are you all familiar with road rash?

15 GRAND JUROR: Uh-huh.

16 GRAND JUROR: Yes.

17 THE WITNESS: Um, it's just like an abrasion --
18 that skidding, sliding. Well, it would do the same to
19 clothes as well as the skin underneath.

20 BY MR. FRASIER:

21 Q. In the examination of Leah Freeman's body, did
22 you find or was there ever -- was there any broken bones
23 found?

24 A. No broken bones. Her body was x-rayed from head
25 to toe, as well.

Kris Karcher

1 Q. And in looking at her body, was there anything
2 that caused you to believe, or -- well, that caused you to
3 believe that she had been hit by a car with sufficient force
4 to cause her death?

5 A. No, there was not. There were no defects in her
6 clothes except for rodent activity.

7 Q. That was my next question there.

8 A. Oh, sorry.

9 Q. Her clothes didn't show --

10 A. No. Mm-hmm.

11 Q. -- any indication that she had been struck by a
12 car?

13 A. No.

14 Q. Finally, I'm going to jump ahead so I don't have
15 to bring you back at a later day --

16 A. Okay.

17 Q. -- if it's okay with you?

18 A. That's fine.

19 Q. Okay. (Laughter.)

20 This year, during the course of the
21 investigation, of course, there were the story about Leah
22 having been hit by a car and causing her death. And one of
23 the cars supposedly was a car that Kristin Steinhoff had in
24 her possession, which was a Kia automobile.

25 A. Mm-hmm.

Kris Karcher

1 Q. And that car was purchased by the police and the
2 district attorney's office earlier this year?

3 A. Mm-hmm.

4 Q. And did you help process that car?

5 A. No, I did not.

6 Q. Okay.

7 A. Yeah. I didn't process that car. I processed
8 the Mustang.

9 Q. Okay. And the Mustang that had belonged to
10 Mr. McGuffin, Nick McGuffin at that time?

11 A. Yes.

12 Q. Did you help process that car again this year?

13 A. Yes, I did.

14 Q. What, if anything, did you find?

15 A. Well, we didn't find a whole lot, but we did
16 find, um -- we processed it by like vacuuming the trunk, um,
17 taking some swabs off the inside of the -- the ceiling.

18 Um, they found a couple of, um, hair -- arm
19 hairs, um, that we -- were in the vacuum filters of the
20 trunk. Uh, those arm hairs have little frays on the end of
21 them that, um -- and it had little globules in them. Now,
22 this is microscopic, very microscopic. Had little gob --
23 globules in there that is oftentimes seen with painters,
24 somebody that's been painting. That's paint in the arm -- in
25 the -- in the hair.

Kris Karcher

1 Um, and I don't believe that we were able to get
2 DNA on those.

3 Q. Okay. Now, Mr. McGuffin, at the time that the
4 car was in his possession, the rear quarter panel on the left
5 side had been damaged, and that had been repaired?

6 A. Yes.

7 Q. And you saw that car back in 2000, did you?

8 A. I did see that car back in 2000.

9 Q. And, that rear quarter panel had been painted
10 with primer, but it hadn't been painted the real color of the
11 car yet, had it?

12 A. Right. It was just primer over the bumper -- or
13 over the back fender.

14 Q. Okay. So the car, at some point in time, was
15 going to need to be painted?

16 A. Yes. Mm-hmm.

17 Q. All right. So the fact that we found arm hairs
18 with paint on it probably would indicate they came from Nick
19 McGuffin, the owner of the car?

20 A. Yeah. Somebody that was painting. Yes, you bet.
21 Mm-hmm.

22 MR. FRASIER: All right. I don't think I have
23 anything else to ask Ms. Karcher. Does the grand jury want
24 to ask her anything?

25 GRAND JUROR: I do. If it -- if the body was

Kris Karcher

1 decayed, can you still tell if it had bruises on it, or
2 anything?

3 THE WITNESS: Uh, not -- not as well. No.
4 Mm-hmm.

5 GRAND JUROR: Okay.

6 THE WITNESS: And the leg muscles didn't have any
7 bruising on them. The upper body was really badly
8 decomposed. Ribs were exposed, all the organs were --

9 GRAND JUROR: Yeah, and there's no way to tell if
10 she was suffocated or --

11 THE WITNESS: No. Mm-hmm. Mm-hmm.

12 GRAND JUROR: Do you -- did you find a cause of
13 death? A probable/possible cause of death?

14 THE WITNESS: No. We --

15 GRAND JUROR: Because it sounds like any of these
16 could have --

17 GRAND JUROR: Doesn't say there was any blood. I
18 mean, not much blood.

19 THE WITNESS: I think that --

20 GRAND JUROR: We don't --

21 THE WITNESS: -- further on, I think.

22 MR. FRASIER: What's that?

23 THE WITNESS: The blood issue.

24 MR. FRASIER: Oh, they found the blood on the
25 shoe, and it's --

Kris Karcher

1 THE WITNESS: Mm-hmm.

2 MR. FRASIER: Uh, yeah. Yeah, they know -- I
3 think they already know about that.

4 GRAND JUROR: But --

5 GRAND JUROR: Yeah.

6 GRAND JUROR: I, uh --

7 GRAND JUROR: And is that all? Except for the
8 clothes? Or is this further on, up on --

9 MR. FRASIER: Again, we'll have to wait.

10 GRAND JUROR: Okay.

11 THE WITNESS: Yeah.

12 GRAND JUROR: Um, now you were up on the road
13 when they found Leah's body?

14 THE WITNESS: Yes. Mm-hmm.

15 GRAND JUROR: And you could not -- you couldn't
16 see the body from the road?

17 THE WITNESS: We were not as far down. Once --
18 once we knew where the body was, you could go to the edge,
19 and she was maybe six feet down an embankment, laying.

20 GRAND JUROR: Yeah, I -- I know -- I know --

21 THE WITNESS: She was just -- but --

22 GRAND JUROR: I know the spot. So --

23 THE WITNESS: Right, but it's -- you know,
24 it's -- it's shaded. Um, it wouldn't be -- the smell would
25 get your attention before that.

Kris Karcher

1 The other thing that was noticeable when we came
2 was it looked like there was a path that somebody -- the
3 grass was tall along the shoulder of the road, but that area
4 it looked like there was a path; that maybe somebody had
5 walked over to the edge and looked down. The -- the thing --
6 the -- um, the foliage was kind of down. It could have been
7 an animal, you know, coming back and forth through there,
8 but, um, I did notice that.

9 GRAND JUROR: Um, I -- that was, that was my
10 question, was, was the foliage -- no doubt if she was thrown
11 over the hill. That, I mean -- that's kind of obvious. That
12 anything was mashed down would have had time to --

13 THE WITNESS: Oh, yes.

14 GRAND JUROR: Six weeks.

15 THE WITNESS: Mm-hmm.

16 GRAND JUROR: -- to stand back up?

17 THE WITNESS: Mm-hmm. Yeah. You had to know
18 that she was there, and you had to walk all the way to the
19 edge to look down and see her.

20 GRAND JUROR: By the position of the body, was it
21 like they just dumped her?

22 THE WITNESS: Yes. Yes. I think they just
23 dumped her from the top and she rolled down, or -- there was
24 a roll involved. Maybe it was closer to the bottom, but --

25 GRAND JUROR: Her legs crossed over, like she

Kris Karcher

1 just --

2 THE WITNESS: Mm-hmm.

3 GRAND JUROR: -- tumbled?

4 THE WITNESS: And one arm was in front, one arm
5 was in back --

6 GRAND JUROR: Right.

7 THE WITNESS: -- like she had been --

8 BY MR. FRASIER:

9 Q. Just so we're clear, Dr. Olson in his autopsy
10 report, he signed the death certificate for Leah?

11 A. Yes.

12 Q. And he declared her death to be a homicide --

13 A. Yes.

14 Q. -- is that correct?

15 A. Homicidal violence.

16 Q. Of undetermined nature?

17 A. Of undetermined nature.

18 GRAND JUROR: How is that possible? I'm confused
19 on -- there was no signs of strangulation, stabs, gunshots --

20 THE WITNESS: Um, do they have -- have they had
21 the shoe testimony yet?

22 MR. FRASIER: The -- they have been told about
23 Leah Freeman's --

24 THE WITNESS: Okay.

25 MR. FRASIER: -- shoe being found, and also that

Kris Karcher

1 they -- I gave them the lab reports earlier today about the
2 shoe with the blood on it.

3 THE WITNESS: Right. And that was Leah's blood.
4 And that was high-velocity blood that usually comes -- you
5 can get it, like, if you're shot; the blood that sprays out.
6 You can also get it when you cough, or, um, sneeze, something
7 like that.

8 MR. FRASIER: Right.

9 THE WITNESS: Um, so, based on that, based on
10 that she's been dumped, um, that's how he comes up with the
11 homicidal violence.

12 GRAND JUROR: But there's no broken bones?

13 THE WITNESS: No broken bones.

14 GRAND JUROR: No stabs? No shots?

15 THE WITNESS: No. Um --

16 GRAND JUROR: No strangulation?

17 THE WITNESS: The hyoid bone that was intact does
18 not -- you don't always break that.

19 GRAND JUROR: Right.

20 THE WITNESS: Um, and you don't always see that,
21 like with manual -- or with ligature strangulation, which we
22 wouldn't have been able to determine.

23 GRAND JUROR: What --

24 THE WITNESS: So.

25 GRAND JUROR: What if she was stabbed in the

Kris Karcher

1 place where she bled to death, but she didn't --

2 THE WITNESS: And that's a possibility, but it --
3 it should have involved the clothes or we should have found
4 blood on the clothes.

5 GRAND JUROR: Mm-hmm.

6 GRAND JUROR: And she was fully clothed, except
7 she had no underpants, right?

8 BY MR. FRASIER:

9 Q. And you --

10 A. Yes.

11 Q. -- you assisted in undressing her?

12 A. Yes, uh-huh.

13 Q. And the picture I've got there, marked 2, that
14 supposedly a picture --

15 A. This is -- this is what she was wearing, right
16 here --

17 Q. All right.

18 A. -- with the jeans and the white -- um, it's
19 actually a man's undershirt over a sports bra. And that's
20 what she's wearing.

21 GRAND JUROR: And the -- the crotch of these
22 pants was taken for samples for sexual assault?

23 THE WITNESS: Uh-huh. Mm-hmm.

24 GRAND JUROR: And it was undetermined?

25 THE WITNESS: Undetermined. There was too much

Kris Karcher

1 decomposition.

2 GRAND JUROR: And we had another thing, too.
3 That, uh -- that -- a couple of people have said there was
4 like straps. Well, she had a sports bra on, so when they
5 seen her, could that look like it was cross straps, or more
6 straps in the back?

7 THE WITNESS: Well, what she did was she -- in
8 the back, she had them tied in the back, so that it was --

9 GRAND JUROR: Oh, she had them tied?

10 THE WITNESS: Yeah, she had them tied in the
11 back.

12 GRAND JUROR: Yeah, it's, uh -- it's kind of
13 typical of all of the young ladies that participate in
14 sports.

15 THE WITNESS: Uh-huh.

16 GRAND JUROR: Right. Yeah.

17 THE WITNESS: Mm-hmm.

18 GRAND JUROR: Mm-hmm.

19 THE WITNESS: Yeah.

20 MR. FRASIER: Okay. Any other questions?

21 GRAND JUROR: I do not believe so.

22 MR. FRASIER: Okay.

23 THE WITNESS: Good luck.

24 GRAND JUROR: You too.

25 GRAND JUROR: Thank you.

Certificate

(Conclusion of recording.)

--oOo--

I certify, by signing below, that the foregoing pages 1 through 151, inclusive, constitute a correct transcript of wav recordings provided of the above-entitled matter, this 3rd day of December, 2010.

PEGGY S. JILLSON, TRANSCRIBER

Mark Kirn

COQUILLE, OREGON; WEDNESDAY, JULY 21, 2010, 11:20 A.M.

-o0o-

TESTIMONY OF MARK KIRN

(Witness sworn.)

BY MR. FRASIER:

Q. First of all, sir, could -- well, first of all, I need to advise you that we are recording the proceedings here today. Just so you're aware of that, all right?

A. Okay.

Q. First of all, could you tell us your name please, and where you live, sir.

A. Uh, my name is Mark Kirn, and I live at 10056 Highway 42, Coquille, Oregon.

Q. And how long have you lived there, sir?

A. Uh, six months now.

Q. Okay. And you're, uh --

A. But I've lived in Coquille my whole -- pretty much, since I've been about 11.

Q. Okay.

A. So --

Q. You went to high school here?

A. Yeah, I went to high school here.

Q. All right. Do you have a job, sir?

A. Yeah, I do.

Q. What do you do?

Mark Kirn

1 A. Uh, I work for Charlie Yates Ranching.

2 Q. Okay. I want to direct your attention back to
3 the year 2000. Could you tell us how old you were back then.

4 A. 2000, I was, uh --

5 Q. Ten years ago.

6 A. -- 19.

7 Q. 19? And had you graduated from high school
8 already?

9 A. Yes.

10 Q. Okay.

11 A. Or, 2000 no. I didn't. I was 2001. I was --
12 that was my senior year in high school.

13 Q. Okay. I want to look at the summer of 2000
14 particularly -- well, June of 2000.

15 First of all, did you -- did -- were you
16 acquainted or were you aware of a girl at the high school by
17 the name of Leah Freeman?

18 A. Yes.

19 Q. And how well did you know her or anything like
20 that?

21 A. Uh, I -- just from school, you know. She was a
22 freshman, I was a senior.

23 Q. Okay.

24 A. She dated Nick McGuffin, and he was a year ahead
25 of me and I knew him, so -- because we played sports together

Mark Kirn

1 and whatnot.

2 Q. Okay. Um. Did you know that Leah and Nick were
3 boyfriend/girlfriend?

4 A. Yes.

5 Q. Could you describe for the grand jury that
6 relationship. Was it good? Bad? Different?

7 A. Honestly, I don't know. I didn't -- I didn't
8 really hang around him at the time, you know. It was more
9 seeing him here and there, say "hi/bye" you know.

10 Q. Okay.

11 A. I -- I was never really alone around them to know
12 how their relationship was like.

13 Q. Okay. That's fine.

14 Well, let's go to June 28th of 2000. Do you know
15 an individual named Mike McAdams?

16 A. Yes.

17 Q. How do you know Mr. McAdams?

18 A. Uh, from school, and we used to skateboard
19 together, and --

20 Q. Okay.

21 A. -- hang out.

22 Q. Now, June 28th would have been the day that Leah
23 Freeman disappeared. Were you with Mr. McAdams that evening?

24 A. Yes.

25 Q. And had you gone someplace to get something to

Mark Kirn

6

1 eat?

2 A. Yeah, we were at Hunter's, I guess at the time.
3 It was Dairy Queen, Hunter's, and then Burger Barn. It's
4 been a bunch -- but it was Hunter's at the time.

5 Q. Okay. And that's that little restaurant that's
6 on Central here in Coquille?

7 A. Yeah.

8 Q. And on Callahan you have McKay's, and then you
9 have a bank, and then you have a gas station -- or what was a
10 gas station -- a motel, and then you finally get to
11 Hunter's -- or the restaurant?

12 A. Right, yeah.

13 Q. I see. And directing your attention to around
14 nine o'clock. Were you and Mr. McAdams inside the restaurant
15 having something to eat?

16 A. Yes.

17 Q. And while you were there eating, did you -- did
18 you happen to see Leah Freeman?

19 A. Yes.

20 Q. And where did you -- where was she? Or where --
21 where were you and where was she? How far apart, and so
22 forth?

23 A. She was on the highway -- or beside the highway.
24 I don't remember if she was on the Hunter's side or the other
25 side. I believe she was on the same side as the restaurant,

Mark Kirn

7

1 but it's been so long.

2 Q. Okay.

3 A. And she was walking towards the high school
4 and -- well, the new police station and then the high school.
5 In that direction.

6 Q. Okay. Do you recall, you know, how did she --
7 how did she appear as she was walking?

8 A. I was, I -- I really don't remember.

9 Q. Okay. Was she walking fast?

10 A. Yeah, I look -- I -- I mean it just -- I just
11 remember her walking by. I don't --

12 Q. Okay. Do you remember what she was wearing?

13 A. I do remember a white tee-shirt and pigtails,
14 because she always wore that and she was wearing that that
15 night. So I distinctly remember that.

16 Q. Okay. And when you say "pigtails," what do you
17 mean?

18 A. Her -- I think her hair was always in pigtails.

19 Q. Oh, okay. All right.

20 A. I believe.

21 Q. Okay. And so you -- in which direction is she
22 headed?

23 A. She's headed, which -- towards the high school
24 and stuff. I don't --

25 Q. Okay.

Mark Kirn

1 A. Would that be (pause) -- right?

2 Q. Now, after you --

3 GRAND JUROR: North.

4 THE WITNESS: Due North and what? Yeah, North.

5 BY MR. FRASIER:

6 Q. Yeah, after you had finished eating, what did you
7 do at that point? Do you remember?

8 A. I think, you know, at that time everybody hung
9 out at Fast Mart. I think we -- I went to Fast Mart after
10 that.

11 Q. Okay.

12 A. Because there was always a big group of people
13 there.

14 Q. Did you see Nick McGuffin that night?

15 A. I -- yeah, I think I remember seeing him at Fast
16 Mart later. It wasn't that long after -- well, it was a
17 little while after. I don't --

18 Q. Looking at the police reports when they talked to
19 you in 2000, you communicated it was somewhere around
20 midnight.

21 A. It could -- it very well could have been.

22 Q. Okay. And they -- do you recall what, if
23 anything, Mr. McGuffin, Nick, said to you? Or did you talk
24 about anything?

25 A. I just -- I think he asked me if I'd seen Leah,

Mark Kirn

1 and I told him I'd seen her earlier in the evening walking
2 towards the high school.

3 Q. Okay.

4 A. And then I think he drove -- I think he drove off
5 after that. I don't think we said anything else. It's been
6 so long, I can't really tell you for sure. But I remember
7 him asking if I'd seen Leah.

8 Q. All right. How was he acting?

9 A. I really don't know.

10 Q. Was he -- did he seem upset?

11 A. Just kind of maybe upset or worried. I --

12 Q. Okay.

13 A. It's been --

14 Q. It's been a long time.

15 A. Ten years is a long time to remember that.

16 Q. Okay. Let's talk about some other things here
17 for a moment.

18 After she disappeared, did you have any other
19 contact with Nick regarding Leah Freeman?

20 A. Gosh, I -- you know -- it had been a while, I
21 mean, since it all had happened. But I went out to his house
22 once with some friends. When I got there, his dad and mom
23 started yelling at me and told me to get the F out of there.
24 "We read what you said," and this and that. And I -- it was
25 sometime after Leah's stuff came out online.

Mark Kirn

1 Q. Okay.

2 A. Because they read something I said online --
3 maybe to you guys last time I was in here ten years ago.

4 Q. Okay.

5 A. Which I'd -- you know, I don't think I said
6 anything that -- you know, like, "Oh, yeah, I really think
7 Nick did it," or something. But it was weird that they
8 yelled at me like that over something I said, when I never --
9 you know, I didn't really say anything because I don't know
10 nothing. So, it was just weird to me. I remember that.

11 Q. Okay. Have you had any contact with Nick since
12 then?

13 A. Not in like, five years probably. I haven't seen
14 him.

15 Q. Okay. And has he at any time talked to you
16 outside of what we've already talked about today about Leah's
17 disappearance or death or anything?

18 A. No, not really. No.

19 Q. Okay. Part of this grand jury is we're trying
20 to, again, figure out what happened to Leah.

21 A. Right.

22 Q. Do you have any information about what happened
23 to her at all?

24 A. I -- you know, I don't. I really don't. I'd
25 really like to know what happened but I --

Mark Kirn

1 Q. Okay.

2 A. There's so many stories going around in a small
3 town, you know. I've heard five or six different ways that
4 people have said, and I don't believe any of it, honestly.
5 I --

6 MR. FRASIER: Okay. All right. I don't think I
7 have any more questions for him. Does the grand jury want to
8 ask him anything?

9 GRAND JUROR: I -- I don't know, I'm not sure if
10 it's relevant or not, but what were they yelling at you for?
11 Because of something you posted online?

12 THE WITNESS: Something I had said, like to the
13 grand jury or to the police, or something.

14 GRAND JUROR: Oh.

15 THE WITNESS: They read a police report or -- or
16 what I said in the grand jury, whatever's posted online. I
17 don't know; I haven't looked at it.

18 GRAND JUROR: Posted online where? By, like --

19 THE WITNESS: Like "Justice for Leah" or
20 something.

21 GRAND JUROR: Oh, okay.

22 THE WITNESS: Because after it came out online
23 they were saying all, "We read what you said online, and you
24 don't need to come out here," and this and that. And it was
25 just weird to me, because I -- you know, I don't remember

Mark Kirn

12

1 saying anything --

2 GRAND JUROR: Okay.

3 THE WITNESS: -- that -- you know, that bad.

4 What -- just what I'm telling you guys now. I mean --

5 GRAND JUROR: Right. Right.

6 THE WITNESS: So it was just weird, and that's
7 why I remember that.

8 GRAND JUROR: Okay.

9 MR. FRASIER: Okay. Any other questions?

10 GRAND JUROR: Was it -- I -- well, you said you
11 hung out at the mini mart there?

12 THE WITNESS: Yeah, Fast Mart.

13 GRAND JUROR: Did they -- this, I mean you're --
14 and you're a senior at this point?

15 THE WITNESS: Well, I -- if it was June, I had
16 just graduated.

17 GRAND JUROR: So you were going to be a senior?

18 THE WITNESS: I was just -- yeah. No, I had just
19 graduated.

20 GRAND JUROR: No, it was earlier.

21 THE WITNESS: No, June 2000. So, the year before
22 my senior year. Okay.

23 GRAND JUROR: Okay. Got that right.

24 So, the freshman -- Leah would have been a
25 freshman.

Mark Kirn

1 THE WITNESS: Freshman.

2 GRAND JUROR: So was that --

3 THE WITNESS: So she was going into her sophomore
4 year.

5 GRAND JUROR: Okay. That's kind of a place where
6 the kids hung out, then?

7 THE WITNESS: Right.

8 GRAND JUROR: I mean, everybody in high school is
9 hanging out there?

10 THE WITNESS: Right. Right. In the parking lot,
11 everybody --

12 MR. FRASIER: And just so we're clear: Fast Mart
13 is the market that's over here by Hunter's by the --

14 THE WITNESS: Just south of the --

15 GRAND JUROR: The one that's closed down now.

16 THE WITNESS: Yeah.

17 MR. FRASIER: The one that's closed.

18 THE WITNESS: Right. Right. Yeah.

19 MR. FRASIER: There's another mini mart that's
20 over by on --

21 THE WITNESS: On the highway?

22 MR. FRASIER: Right, on the highway.

23 THE WITNESS: No, not that one.

24 GRAND JUROR: I know which one you mean. I know
25 which one you mean.

Michael McAdams

1 THE WITNESS: Before Fast Mart shut down and that
2 mini mart was built on the highway, everybody -- all the kids
3 from school hung out at the parking lot of Fast Mart.

4 GRAND JUROR: Yeah.

5 MR. FRASIER: Okay.

6 GRAND JUROR: What kind of car was Nick driving?

7 THE WITNESS: Gosh, I've -- I want to say it was
8 his maroon Thunderbird. It was his parents' car, I think, at
9 the time. I'm almost sure that's what he was driving, but
10 I'm -- it's been ten years so I can't say for sure or not.

11 (Pause.)

12 MR. FRASIER: Okay. Any other questions?

13 Okay. All right, sir. I think that'll do it.

14 THE WITNESS: All right. Thanks.

15 GRAND JUROR: Thank you.

16 MR. FRASIER: You can take off.

17 THE WITNESS: All righty.

18 **TESTIMONY OF MICHAEL McADAMS**

19 (Witness sworn.)

20 BY MR. FRASIER:

21 Q. First of all, sir, I need to tell you, it's
22 obvious, but we're recording the proceedings here today.

23 First of all, tell us your name and where you
24 live.

25 A. Michael Joseph McAdams. I reside at 55881 Finley

Raymond Lewis

1 to a year ago.

2 Q. Okay.

3 A. But before that, um, after this I moved to Rhode
4 Island and did fiberoptics for a year, and then just never
5 really started hanging out with him again.

6 Q. Okay. Again, one of the things we're trying to
7 figure out in this grand jury is what happened to Leah
8 Freeman. Do you have any information as to what had happened
9 to her?

10 A. I do not. Um, the information that I have is
11 just what I've visually witnessed.

12 Q. Okay.

13 A. Just her walking down the road that night.

14 MR. FRASIER: All right. I don't think I have
15 any other questions at this point.

16 Grand jury want to ask him anything?

17 (Pause.) No? Okay.

18 THE WITNESS: All right. Thank you.

19 GRAND JUROR: Thank you.

20 MR. FRASIER: You're free to go.

21 THE WITNESS: Have a nice day.

22 **TESTIMONY OF RAYMOND LEWIS**

23 (Witness sworn.)

24 BY MR. FRASIER:

25 Q. First of all, could you tell us your name sir,

Raymond Lewis

1 and where you live.

2 A. Uh, Raymond Lewis. Um, Coquille.

3 Q. Okay. Mr. Lewis, this is the grand jury for Coos
4 County. And just so you're aware, I think you already
5 figured it out, we're recording the proceedings, okay?

6 A. Yeah. Yep.

7 Q. First of all, could you tell us, sir, how old you
8 are.

9 A. I'm 26 years old.

10 Q. Okay. And I want to go back to the year 2000.
11 That would have made you 16; is that right?

12 A. Mm-hmm. Yeah.

13 Q. And were you a student at Coquille High School?

14 A. Yes, I was.

15 Q. While you were at the high school, were you
16 acquainted with an individual named Nick McGuffin?

17 A. Yes.

18 Q. How did you know Mr. McGuffin?

19 A. I've known Nick since I was a little kid.

20 Q. Okay. How would you describe your relationship
21 or your association with Mr. McGuffin?

22 A. Um. Oh, that we weren't necessarily like good
23 friends or anything, but I hung out with him with groups of
24 people and been around him a little bit.

25 Q. Okay. Are you still close with him, or --

Raymond Lewis

1 A. No. I haven't -- I haven't talked to him for
2 quite a while.

3 Q. And when you say "quite a while," can you give us
4 a rough idea?

5 A. Oh. A year or two. I might say hi if I see
6 him --

7 Q. Uh huh.

8 A. -- around somewhere, but other than that I
9 haven't really --

10 Q. Okay.

11 A. -- talked to him at all.

12 Q. All right. And did you know Leah Freeman?

13 A. Um, well, yeah. Yeah, I knew Leah.

14 Q. Okay. How would you describe that, in terms
15 of -- was it like she was a kid at school, or --

16 A. Yeah, it wasn't -- probably the same situation as
17 Nick. Not -- I mean, I knew Nick better than I knew Leah.

18 Q. Okay.

19 A. I didn't -- I never really hung out with her or
20 anything.

21 Q. Okay. And did you know that Nick and Leah were
22 boyfriend/girlfriend?

23 A. Yes, I did.

24 Q. Okay. Did you have an opportunity to observe
25 their relationship at all?

Raymond Lewis

1 A. I've never really paid much attention to it.

2 Q. Okay. Was there anything that caused you --
3 well, did you ever see anything that, you know, like they
4 were arguing or anything like that?

5 A. Not that I can recall, no.

6 Q. Okay. Nobody hitting on each other or anything
7 like that?

8 A. No.

9 Q. Okay. I want to go to the day Leah disappeared,
10 June 28th. According to some reports that I have, or some of
11 the statements you made, and I think you testified at the
12 grand jury back in 2000 --

13 A. Yes.

14 Q. -- you indicated before that sometime between
15 9:15 and 9:45 you were driving on Central here in Coquille.

16 A. Yes.

17 Q. Do you recall that, sir?

18 A. Yeah.

19 Q. Could you tell the grand jury -- well, first of
20 all, did you see Leah?

21 A. Yes. Yes, I did.

22 Q. Where did you see Leah?

23 A. Um, Fast Mart area. I'm not exactly sure what --
24 right by -- she was right by Fast Mart walk -- walking.

25 Q. And which direction was she going?

Raymond Lewis

1 A. Um -- up the road. I don't know which, which
2 direction it would be. North, I guess.

3 Q. Okay.

4 A. On Central.

5 Q. Was she, like, headed towards the high school?

6 A. Yes. Yes.

7 Q. All right. Could you tell, you know, was she
8 walking fast? Did she look like she was upset?

9 A. I couldn't really tell. I was driving -- just
10 driving by, and just happened to notice her walking up the
11 road.

12 Q. Okay. What side of the street was she on, do you
13 remember?

14 A. She was on -- if I was coming down the hill from
15 the high school, she was on the right-hand side of the
16 street, on the Fast -- Fast Mart side of the road.

17 Q. Okay. And did you see her again after that?

18 A. No.

19 Q. Okay. Do you recall what she was wearing?

20 A. Not -- no, not --

21 Q. Okay.

22 A. Like, no. I can't remember exactly what she was
23 wearing.

24 Q. All right. And did you see Mr. McGuffin that
25 night? Nick McGuffin?

Raymond Lewis

1 A. Um. I don't recall seeing him that night.

2 Q. Okay. I'm going back to the reports, I think
3 from your previous grand jury testimony. You said something
4 about 10:30 to 10:45, you saw him driving by the Fairview
5 turnoff on Central. Do you recall that?

6 A. No, I don't.

7 Q. Okay.

8 A. (Indiscernible.)

9 Q. Okay. And do you recall seeing Nick at all that
10 night?

11 A. No.

12 Q. Okay. After that day, did you have any contact
13 with Nick? Or did Nick come and ask you like where was Leah
14 at?

15 A. Um. Yeah, I don't remember exactly how many days
16 after. It might have been the next night or two nights
17 later. I was on my way home and -- let's see, her
18 grandparents lived in the same -- lived in the same
19 neighborhood as I did. And he was there. And when I drove
20 by, he'd stopped me and asked me if I had seen her. And so I
21 told -- I told him that I'd seen her walking by Fast Mart
22 that night.

23 Q. Okay. Have you had any other contact with Nick
24 where there's been a discussion about what happened to Leah,
25 or anything like that?

Raymond Lewis

1 A. Nope.

2 Q. Okay. Did Nick -- after Leah disappeared, did
3 Nick appear to change to you, in any way?

4 A. Not -- no, not really.

5 Q. Okay.

6 A. I'd -- I'd only maybe seen him a couple times
7 since then. I mean, not just a couple times, but here and
8 there I've just talked to him and said, "Hi, what's up," and
9 that was the extent of it.

10 Q. All right. So you haven't in fact gone over to
11 his house --

12 A. Yeah, no. Nothing like --

13 Q. Drank beer, or anything like that?

14 A. No, nothing like that.

15 MR. FRASIER: Okay. All right. I don't think I
16 have any other questions for Mr. Lewis. Does the grand jury
17 want to ask him anything?

18 GRAND JUROR: You're sure you seen her on that
19 side of the road?

20 THE WITNESS: Yeah, on the right-hand side of the
21 road.

22 GRAND JUROR: Because the last two said they'd
23 seen her on the other side.

24 THE WITNESS: I'm -- I'm 100 percent positive.
25 She was on the Fast Mart side of the road. On the right-hand

Mary Fuller

1 side if I'm driving down the road.

2 GRAND JUROR: And you would have been driving
3 towards downtown, not towards the high school?

4 THE WITNESS: Yes. Towards downtown, yes.

5 GRAND JUROR: Okay. All right.

6 MR. FRASIER: Any other questions?

7 All right. That'll do it.

8 THE WITNESS: All right.

9 MR. FRASIER: You're free to go.

10 **TESTIMONY OF MARY FULLER**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. Ma'am, this is the grand jury for Coos County.
14 They seem to be really nice folks. I haven't seen them bite
15 anybody yet today. (Laughter.)

16 A. Well, you just never know.

17 GRAND JUROR: It's still early.

18 THE WITNESS: Yeah.

19 BY MR. FRASIER:

20 Q. And I think it's obvious, but we are recording
21 what's going on today. I just wanted you to be aware of
22 that.

23 A. Okay.

24 Q. First of all, could you tell us your name,
25 please, and where you live.

Michael McAdams

1 THE WITNESS: Before Fast Mart shut down and that
2 mini mart was built on the highway, everybody -- all the kids
3 from school hung out at the parking lot of Fast Mart.

4 GRAND JUROR: Yeah.

5 MR. FRASIER: Okay.

6 GRAND JUROR: What kind of car was Nick driving?

7 THE WITNESS: Gosh, I've -- I want to say it was
8 his maroon Thunderbird. It was his parents' car, I think, at
9 the time. I'm almost sure that's what he was driving, but
10 I'm -- it's been ten years so I can't say for sure or not.

11 (Pause.)

12 MR. FRASIER: Okay. Any other questions?

13 Okay. All right, sir. I think that'll do it.

14 THE WITNESS: All right. Thanks.

15 GRAND JUROR: Thank you.

16 MR. FRASIER: You can take off.

17 THE WITNESS: All righty.

18 **TESTIMONY OF MICHAEL McADAMS**

19 (Witness sworn.)

20 BY MR. FRASIER:

21 Q. First of all, sir, I need to tell you, it's
22 obvious, but we're recording the proceedings here today.

23 First of all, tell us your name and where you
24 live.

25 A. Michael Joseph McAdams. I reside at 55881 Finley

Michael McAdams

1 Loop.

2 Q. Okay. And how old are you, sir?

3 A. I'm 30 years old.

4 Q. Are you employed at this time?

5 A. Not currently.

6 Q. Okay. Year 2000. I'd like go back to the year
7 2000. You would have been 20 years old?

8 A. Yes, sir.

9 Q. And in particular the summer of 2000.

10 Well, first of all, did you know an individual
11 named Leah Freeman?

12 A. I knew her. It was my friend's girlfriend. I
13 never really hung out with her, but I knew that that was his
14 girlfriend.

15 Q. And your friend was Nick McGuffin?

16 A. Nick McGuffin.

17 Q. And how long have you known Nick?

18 A. Um, I live -- I'm from Fairview and they're from
19 Coquille, and their parents owned a produce market across
20 from 7-Eleven when I was younger.

21 Q. Okay.

22 A. And my dad knew their dad, so like I'd --
23 occasionally we'd go in and get vegetables and stuff. So I
24 met him that way, but I didn't actually start hanging out
25 with him until high school.

Michael McAdams

1 Q. Okay. And would you -- could -- were you close
2 friends with him, or --

3 A. Just good -- not, not like a best friend or even
4 one that you would hang out with daily, but, you know, on
5 a -- a friend.

6 Q. Okay. And you -- did you know that Leah Freeman
7 and Nick McGuffin were boyfriend/girlfriend?

8 A. Yes.

9 Q. And did you have an opportunity to observe them
10 together a little bit?

11 A. Yes. Yes.

12 Q. What was their relationship like?

13 A. Um, they were always really pretty quiet.

14 Q. Okay. Did you ever see them yelling at each
15 other, or anything like that? Or --

16 A. No.

17 Q. Hitting on each other?

18 A. No.

19 Q. Okay. Do you know Mark Kirn?

20 A. Yes, sir.

21 Q. How do you know Mark?

22 A. He was a better friend. I used to hang out with
23 him and -- and just run around.

24 Q. Okay. And June 28th, 2000 -- that would have
25 been the day that Leah Freeman disappeared -- were you with

Michael McAdams

1 Mr. Kirn that evening?

2 A. Yes.

3 Q. And where were you guys at?

4 A. At Hunter's Eatery and Creamery.

5 Q. Okay. Do you remember about what time it was
6 that you were there?

7 A. Right at dusk. Um, I'm going to say between
8 eight and nine o'clock.

9 Q. Okay. When you were interviewed in 2000, you
10 told the police 9:00. Does that sound about right?

11 A. Probably.

12 Q. Okay. What would your -- well, in terms of time,
13 what you remember about time would have been better back then
14 than it would be today?

15 A. Yeah. I -- I have my medical marijuana card, and
16 I have been practicing medical marijuana since then. So my
17 memory isn't the best, but I remember that night pretty --

18 Q. Okay. All right.

19 A. -- pretty good.

20 Q. Now, while you're eating there, did you have an
21 opportunity to see Leah Freeman?

22 A. Yes, sir.

23 Q. And could you tell us where she was, what
24 direction she was headed, that type of thing?

25 A. Me and Mr. Kirn were sitting at a table. Um,

Michael McAdams

1 there's tables lining the side, but ours was a center table,
2 and I was facing the window. He was facing towards me.

3 I observed her walk on the other side of the
4 road -- the far side. She was walking towards Fairview. Um,
5 I watched her walk just, you know, the window's view. So 30,
6 40 feet across the window, and then back to eating. I said,
7 "There's Nick's girlfriend." He turned around and looked and
8 said "Yep," and then went back to it too. Eating.

9 Q. Okay. Do you remember, you know, what she -- how
10 she was acting as she was walking by?

11 A. Um, just -- maybe a power walk.

12 Q. Okay.

13 A. Not, you know -- not -- not a slow mosey, but
14 kind of going up the hill walking.

15 Q. How was she dressed, do you recall?

16 A. I'm thinking shorts and a white shirt. Um,
17 that's kind of --

18 Q. Okay.

19 A. I'm not --

20 Q. All right.

21 A. -- positive on that.

22 Q. After you see Leah, what do you and Mr. Kirn do?

23 A. We went down to Fast Mart. I'm pretty sure we
24 went to Fast Mart and hung out. And if we didn't go to a
25 party, then I went home.

Michael McAdams

1 Q. Okay. Did you see Mr. McGuffin that night? Nick
2 McGuffin?

3 A. Yeah. I believe he showed up by himself, um, at
4 Fast Mart. (Pause.) For maybe 10 minutes, I think.

5 Q. Do you remember about what time it was?

6 A. It would have had to been, um, I'm going to say
7 9:00 -- I'm going to say between 9:30 and 10:00 --

8 Q. Okay.

9 A. -- because we finished eating and then went right
10 down there.

11 Q. Okay. And does Mr. McGuffin say anything to you?

12 A. Like, when we used to hang down at Fast Mart,
13 there'd be a big group of people, like 20-30. So I'd be -- I
14 mean, I remember him driving up, talking, and then leaving.
15 I don't remember if I'd one-on-one interacted with him.

16 Q. Do you remember what kind of car he was in?

17 A. I believe he had a Thunderbird.

18 Q. Okay. Do you remember what color it was?

19 A. Um, uh -- a merlot.

20 Q. A merlot? Like a maroon, red --

21 A. That -- yeah, that's the color of my truck. So,
22 yeah.

23 Q. Okay. Did you hear Mr. McGuffin say anything?

24 A. No.

25 Q. Okay. Did he ask you or did you hear him ask

Michael McAdams

1 anybody, "Have you seen Leah," or anything like that?

2 A. I don't recall.

3 Q. All right. Now, since Leah has disappeared, have
4 you had much -- have you had any contact with Nick McGuffin?

5 A. Um, after she disappeared, he was hanging out
6 with me a lot, and you know, I felt really bad about what was
7 going on. So I was kind of hanging out with him, trying to
8 help him deal with what was going on. And then, uh, pretty
9 much just kind of drifted apart, and I went.

10 Q. When you were hanging with him, supporting him,
11 what type of things would he tell you about Leah, or what
12 happened, that type of thing?

13 A. He -- we never really discussed, like, anything
14 that happened. It was just -- you could tell he was really
15 distraught about it, and he'd be crying a lot, and -- and
16 he'd just, like, we'd be all hanging out in the house.
17 Hanging out, you know, together, and then I'd be all,
18 "Where's Nick at?"

19 And someone would be like, "He's just out sitting
20 in his car," and he'd just be out there crying by himself.

21 Q. Okay. You've indic -- when was the last time, or
22 about how long ago has it been since you had contact with
23 Nick?

24 A. I've -- I've seen him at the bar at, um -- at the
25 Max (phonetic) over in Coos Bay, I'm going to say six months

Raymond Lewis

1 to a year ago.

2 Q. Okay.

3 A. But before that, um, after this I moved to Rhode
4 Island and did fiberoptics for a year, and then just never
5 really started hanging out with him again.

6 Q. Okay. Again, one of the things we're trying to
7 figure out in this grand jury is what happened to Leah
8 Freeman. Do you have any information as to what had happened
9 to her?

10 A. I do not. Um, the information that I have is
11 just what I've visually witnessed.

12 Q. Okay.

13 A. Just her walking down the road that night.

14 MR. FRASIER: All right. I don't think I have
15 any other questions at this point.

16 Grand jury want to ask him anything?

17 (Pause.) No? Okay.

18 THE WITNESS: All right. Thank you.

19 GRAND JUROR: Thank you.

20 MR. FRASIER: You're free to go.

21 THE WITNESS: Have a nice day.

22 **TESTIMONY OF RAYMOND LEWIS**

23 (Witness sworn.)

24 BY MR. FRASIER:

25 Q. First of all, could you tell us your name sir,

Kip Oswald

1 not. These people who saw Leah walking along Central that
2 evening also saw Nick, aside from the one driving along
3 Central.

4 I mean, he was driving back and forth along
5 Central, but it didn't seem like anyone saw him driving along
6 Central who had seen Leah walking except the lady in the car
7 who thought there was a car behind her that pulled in, and it
8 could have been or it couldn't have been --

9 THE WITNESS: I don't know about that.

10 GRAND JUROR: Did anybody ever --

11 THE WITNESS: That I don't recall.

12 GRAND JUROR: -- follow?

13 THE WITNESS: The day -- that could have been,
14 but I don't recollect that at this point in time.

15 MR. FRASIER: Anything else?

16 Okay. You can go back to -- what beat?

17 THE WITNESS: Sisters.

18 MR. FRASIER: Sisters.

19 GRAND JUROR: Enjoy the heat.

20 GRAND JUROR: The weather out there.

21 THE WITNESS: The weather? It's just now getting
22 hot. We're probably getting summer. We're supposed to be.

23 **TESTIMONY OF KIP OSWALD**

24 (Witness sworn.)

25 BY MR. FRASIER:

Kip Oswald

1 Q. First of all, sir, this is the grand jury for
2 Coos County, and -- it's obvious, but I've turned on a couple
3 of recorders. We're recording the proceedings here today.

4 Could you first of all tell us your name and
5 occupation, sir.

6 A. My name is Kip Oswald. I'm a patrol officer for
7 North Bend Police Department at this time.

8 Q. And prior to that, were you employed in law
9 enforcement elsewhere?

10 A. Yes. I worked 23 1/2 years at Coos County
11 Sheriff's Office, and I worked three and a half years at
12 Hillsboro Police Department.

13 Q. In the year 2000, were you working for the
14 sheriff's office at that time?

15 A. Yes, I was.

16 Q. Were you -- at some point in time, you were a
17 corporal, and a sergeant, and so forth, with the sheriff's
18 office?

19 A. Yes, I was.

20 Q. I want to direct your attention, sir, to
21 June-July of 2000. Again, you were working for the sheriff's
22 office at that time?

23 A. Yes, I was.

24 Q. And one of these days that you're working at the
25 end of June or July -- 1st of July of 2000, did you find

Kip Oswald

1 yourself going out towards the Hudson Ridge area of Coos
2 County?

3 A. Yes.

4 Q. Where's Hudson Ridge at?

5 A. Hudson Ridge is outside of Four Corners on
6 Fairview. You go to Fairview and turn right at the Four
7 Corners, go up towards McKinley, and about approximately
8 three-quarters of a mile from Four Corners there's a road
9 that takes off to the left. It actually has one coming from
10 the east and one from the west that meet, and you go up to
11 the left there, and that's Hudson Ridge.

12 Q. And do recall what day it was that you went up
13 there that we're going to be talking about here today?

14 A. Yes, it was on the 5th of July, 2000.

15 Q. Now, prior to you going out there on the 5th of
16 July, were you aware that there was a girl missing in
17 Coquille, Leah Freeman?

18 A. I had just found that out. Um, I had come back
19 to work and found out that there was a girl missing.

20 Q. All right. And why did you go to this particular
21 area, Hudson Ridge? Why were you up there patrolling?

22 A. This is an area I -- I had been to many times
23 before, and there had been a lot of parties there. Kids go
24 there, and there's actually a place where fires have been,
25 and you would find cans and stuff laying there a lot, and

Kip Oswald

1 different paraphernalia that you knew that kids had been
2 partying.

3 Q. What time of the day was it that you went out
4 there?

5 A. Uh, this was about nine o'clock at night.

6 Q. And as you're driving out there, did you happen
7 to find a shoe?

8 A. Uh -- yes, I did. Um, I went up onto Hudson
9 Ridge. Approximately 200 yards onto Hudson Ridge there is a
10 road -- access road to the power lines. It goes both ways;
11 the one to the right goes a little farther up, but the one to
12 the left goes up onto the hill and up underneath the power
13 lines. And that's where the kids had been partying.

14 When I got up to an area there that turns a
15 90-degree turn, there was a shoe laying there. And it's an
16 area where people dump and stuff a lot. I got out and looked
17 at the shoe, and the shoe looked to be a shoe that you
18 wouldn't throw away. It was in good condition, and it did
19 appear to be a woman's shoe. In fact it had the size, 6W, on
20 the bottom of it. And, um -- so I picked that shoe up, uh,
21 believing that it -- it possibly could be -- I didn't know at
22 that time that it was, but I did pick it up and, uh, brought
23 it back to town.

24 Q. Okay. When you picked it up, you picked it up
25 with your bare hand?

Kip Oswald

1 A. Yes, I did.

2 Q. Didn't use gloves?

3 A. No.

4 Q. Okay. Just wanted to make sure. (Laughs.)

5 Okay. Now, at some point in time did you have
6 contact with a guy named Tony Messerle?

7 A. Yes, I did.

8 Q. And how do you know Tony?

9 A. Uh, Tony was working at the county shops at that
10 time.

11 Q. Did you have a conversation with Tony about a
12 shoe --

13 A. Yes, I did.

14 Q. -- or about the shoe you found?

15 A. Yes, I did.

16 Q. Could you tell the grand jury when that was,
17 where you were at, and how that came about.

18 A. Well, he had -- he had told me about a shoe that
19 he had found, um, over by the apartments that he was living
20 in. That was over by the graveyard across from the high
21 school. And he had described that shoe to me, and I believed
22 this shoe to be the -- the same type of a shoe.

23 Q. Okay. And, did he actually come out to your
24 truck and look at the shoe you had?

25 A. Uh -- no, he didn't.

Kip Oswald

1 Q. Okay.

2 A. I -- I actually -- when I came back to town, the
3 FBI and Officer Hall, that was in here before me, they were
4 having a roadblock where they were taking the day that she
5 went missing, the time, and were trying to stop people, talk
6 to them, and see if maybe they had seen somebody; seen her or
7 something during that period in time that maybe they could
8 jog somebody's memory.

9 But I stopped there and I asked the FBI guy what
10 size of shoe she wore, and he didn't know for some reason.
11 But, uh, then I talked to Hall. He looked in and looked at
12 the shoe. He says, "That -- that looks like that could be
13 her shoe."

14 So at that time I took it back to the sheriff's
15 office and bagged it up and, um, tagged it and everything,
16 and put it into evidence.

17 Q. That shoe later was determined by DNA to actually
18 be Leah Freeman's shoe; is that correct?

19 A. Correct.

20 Q. When it was turned over to the Coquille Police
21 Department, they took care of that, entry-wise, what to do
22 with the shoe?

23 A. That's correct.

24 Q. When the lab report was -- came back, it
25 indicated that there was an unidentified male DNA on the

Craig Zanni

1 shoe. Did you later, at my request, give us a DNA sample to
2 check it against you in the case?

3 A. Yes, I did.

4 Q. And it turned out that your DNA was on the shoe?

5 A. Yes, it was.

6 Q. All right.

7 Just so -- for some reason, the McGuffin family
8 thinks that DNA from -- well, they thought it would be
9 Officer Zavala, would show up on her body. And of course I
10 don't know where they're getting that, but the question I
11 have for you, you didn't have anything to do with Leah
12 Freeman's death, did you?

13 A. No, I did not. In fact, I -- I actually took a
14 polygraph on that.

15 Q. Well, we can't talk about polygraphs.

16 A. Okay.

17 Q. All right. Thank you.

18 MR. FRASIER: All right. That's all the
19 questions I have.

20 Any questions for the officer? (Pause.)

21 Okay. Thank you.

22 THE WITNESS: Thank you very much.

23 **TESTIMONY OF CRAIG ZANNI**

24 (Witness sworn.)

25 BY MR. FRASIER:

Heather Reid

1 A. -- kind of thing. Yeah, it was all at least
2 secondhand if not fifth or sixth or tenth --

3 Q. Okay.

4 A. -- kind of thing.

5 Q. Is there anything else you think the grand jury
6 ought to know about?

7 A. Um. Not really. I can't really think of
8 anything. Um. I don't -- I don't know.

9 MR. FRASIER: Okay. Grand jury want to ask him
10 anything?

11 THE WITNESS: Unless you have questions -- you
12 have any questions about anything, I'd help. (Pause.)

13 MR. FRASIER: Okay. I think you're done.

14 THE WITNESS: All right.

15 GRAND JUROR: Thank you.

16 MR. FRASIER: You're free to go.

17 THE WITNESS: Thank you.

18 **TESTIMONY OF HEATHER REID**

19 (Witness sworn.)

20 BY MR. FRASIER:

21 Q. First of all, this is the grand jury for Coos
22 County, and we're looking into the death of Leah Freeman.
23 Okay? It's obvious, but I need to tell you I've turned the
24 recorders on, so we're recording this, okay?

25 A. Okay.

Heather Reid

1 Q. First of all, could you tell us your name,
2 please, and where you live.

3 A. Heather Reid; Corvallis, Oregon.

4 Q. And how long have you lived in Corvallis,
5 Heather?

6 A. Five years now.

7 Q. Five years? You lived in Coquille before?

8 A. Yes, I have.

9 Q. Okay. Did you grow up here?

10 A. Um. For the most part, kind of. I went to
11 school in North Bend.

12 Q. Okay. How long -- well, when did you live here
13 in Coquille?

14 A. From '98 to 2001, I think.

15 Q. Okay. How old were you when you lived here?

16 A. 18.

17 Q. 18?

18 A. 18 to 20. 18 to 21, pretty much.

19 Q. All right. While you lived here in Coquille, did
20 you know an individual named Nick McGuffin?

21 A. I did.

22 Q. Okay. And how do you know Nick?

23 A. I previously dated him.

24 Q. Okay. How long did you date him?

25 A. Not very long.

Heather Reid

1 Q. Okay.

2 A. Not very long. Just through some parties, I
3 guess. At -- just, just social fun.

4 Q. Where did you meet him?

5 A. Um --

6 Q. How did you meet him?

7 A. I do not -- you know, I can't even remember.
8 Just, some of the parties around Coquille, I guess. Heidi
9 Crook, for the most part. She was my best friend.

10 Q. Okay. Did you date him before or after Leah
11 Freeman?

12 A. Before. Well before.

13 Q. Okay. How was Nick to date? I guess that's a
14 question I'm kind of curious about.

15 A. Kind of quiet.

16 Q. All right. How did he treat you?

17 A. Just fine. He would -- when he would be drinking
18 he would get kind of rambunctious with the guys, but he
19 wouldn't -- I mean, he was always pretty much quiet.

20 Q. How was he in terms of -- well, how long did you
21 date him?

22 A. Not very long. Just a couple weeks.

23 Q. A couple weeks? Okay. It wasn't like a like a
24 long-term relationship thing?

25 A. No. No.

Heather Reid

1 Q. Okay. Did you know Leah Freeman?

2 A. Yes, I did.

3 Q. And, how did you know Leah?

4 A. My mom dated her dad back when she was two years
5 old. We used to live with her and Denise and Jenny, back
6 when she was really, really little. This was years and
7 years -- yeah, when she was two.

8 Q. So you've known Leah for a long time?

9 A. Long, long, long time.

10 Q. So, if I'm correct, your mom was dating Danny,
11 and living together?

12 A. Mm-hmm.

13 Q. All right. Did you know that Leah and Nick had
14 been boyfriend/girlfriend?

15 A. Mm-hmm.

16 Q. I have got to -- "yes" or "no" for this.

17 A. Yes. Sorry. Yes.

18 Q. Okay. Did you have an opportunity to observe
19 their relationship a little bit?

20 A. When he was dating her, I really didn't see him
21 too often. I didn't -- they were kind of a part of a
22 different -- they were more a part of her age group than --
23 hanging out with friends and stuff, because she was a lot
24 younger than me.

25 Q. Okay.

Heather Reid

33

1 A. And so they were -- I didn't really -- I'd see
2 him driving through town or at Fast Mart or -- when it used
3 to be Fast Mart. And then -- just basically, I'd just see
4 them, both of them, driving through town. It would be the
5 only time I would really ever see him. I never saw him at
6 any parties at or anybody's houses, because they were kind of
7 hanging out with her age-level group.

8 Q. Okay. Did you ever see them argue or anything
9 like that?

10 A. Um, there was a few -- there was a couple times
11 where their voices got kind of loud in the car, that they
12 were parked at Fast Mart, and they would be kind of arguing
13 back and forth. But it wasn't like anybody's voice was
14 louder than the others because you couldn't really hear what
15 they would have been saying. But you could tell that they
16 were not pleased with each other at the moment.

17 Q. Okay. Did you ever see them hit each other or
18 anything like that?

19 A. Oh, no. I never saw anything like that.

20 Q. Okay. So if there was any dispute, it was
21 basically verbal?

22 A. Yeah.

23 Q. And nothing out of the ordinary that a couple
24 wouldn't have gone through?

25 A. Hmm-mm. No.

Heather Reid

1 Q. I want to go now to the day that Leah
2 disappeared, which would have been June 28th, 2000.

3 Do you -- you indicated you were best friends
4 with Heidi Crook?

5 A. Mm-hmm.

6 Q. Are you still acquainted with her?

7 A. Yes.

8 Q. Okay. Were you with Heidi that evening?

9 A. She was with me, yes. We were -- actually, I was
10 taking her home. We were going down North Central, and I was
11 just -- it was just before nine o'clock, I believe, and I was
12 just getting ready to take her home.

13 I was stopped at -- getting ready to come up to
14 that light right there, um, for 10th Street, out there by the
15 middle school.

16 And she -- Leah Freeman was walking down the
17 road. If I'm going towards the light, she was on the
18 left-hand side right -- somewhere right there between the ear
19 place, that hearing aid place, and the bank. Well, it's not
20 the bank anymore, but --

21 Q. It's City Hall.

22 A. It's City Hall now.

23 Q. Okay. And Hunter's Restaurant is in there
24 someplace?

25 A. Yes. Yes. Yeah. I think she was right -- I

Heather Reid

1 think she was already past that. She was right before the
2 bank -- or, City Hall. I'm sorry.

3 Q. Well, if it was a bank then, call it a bank.

4 A. It was a bank. (Laughter.)

5 Q. Okay. Do you recall what she was wearing?

6 A. Yes, I do. Very clearly. I don't -- I can't
7 tell you which pants -- if she was wearing pants or shorts,
8 but I can tell you exactly to the T, like it was yesterday,
9 her tank top.

10 She was wearing a white tank top, and it was
11 crystal white and it was just beautiful white. And it had
12 four -- it had four crisscrosses going down the back.
13 Because I commented as we were driving past her --

14 GRAND JUROR: Something like that, or --

15 THE WITNESS: I can't -- see, I -- no, that's,
16 that's not the right type of tank top. No, because it -- it
17 was more -- it had more -- it didn't show this much in the
18 arms, but in the back it showed almost her entire back. But
19 it had four -- just, like spaghetti straps.

20 MR. FRASIER: Okay.

21 THE WITNESS: And it was crisscrossed, and I
22 remember that like it was yesterday. Because I commented as
23 we were driving past, I said, "I like that tank top."

24 BY MR. FRASIER:

25 Q. Okay. And how was Leah -- well, she's walking,

Heather Reid

1 right?

2 A. Very mad. She had her arms crossed, and she was
3 very mad looking. She was just kind of like she was stomping
4 down the street, but -- like she's cold almost, like she was
5 holding her arms like she was cold. But her facial
6 expressions, she was not happy.

7 Q. What was the weather like that night, do you
8 remember?

9 A. It was -- well, it had been beautiful that day.
10 But it was -- it was getting kind of cold. That's why I was
11 going to take Heidi home, because she had to be home by nine
12 o'clock. So it was just a few minutes before 9:00 I was
13 swinging around the block and I was going to pick her back
14 up. And I went right back to that stoplight there and she
15 was already gone.

16 And then I turned off and went down towards the
17 Fairview turnoff; took a right, right there, and came back
18 that shortcut, into -- back into town, on whatever; I'm not
19 even sure what street that is, just the next --

20 Q. Okay.

21 A. -- that next one up that takes you back up to
22 10th Street.

23 Q. All right. So, you went back -- you're trying to
24 find Leah. You didn't see her?

25 A. Mm-hmm. Didn't see her at all from the Fairview

Heather Reid

37

1 turnoff.

2 Q. And you just went those two places?

3 A. Yes.

4 Q. Now, before you got to the stoplight, did you see
5 Nick McGuffin that night? Or did you see him at all?

6 A. Um, I know I seen him in his mother's, uh,
7 Thunderbird, the maroon-ish, reddish Thunderbird, or whatever
8 color of car it was. Uh, and he was parked at Fast Gas, and
9 he -- I can't tell if he had -- I don't think he had anybody
10 with him, but he was just staring at the -- that's all I can
11 remember is just him staring at his steering wheel. Nobody
12 was around.

13 Q. Where was he at?

14 A. Fast Gas. The old Fast Gas.

15 Q. Fast Mart?

16 A. Fast Mart. I'm sorry. Sorry, Fast Mart.

17 Q. Fast Mart.

18 A. Fast Mart.

19 Q. Okay. I was confused.

20 A. On the left-hand side of the parking -- of the
21 little parking lot there.

22 Q. Okay.

23 A. Over by the dumpster, kind of.

24 Q. Did you stop to talk to him?

25 A. No, I just drove by.

Heather Reid

1 Q. Okay. He's --

2 A. He's just -- I don't know if he was reading
3 something, but he was staring straight ahead at his steering
4 wheel. And I thought that was kind of odd, but I didn't know
5 if he was --

6 Q. Why did you think it was odd?

7 A. Well, because he was -- he didn't move his head,
8 or he wasn't moving his head.

9 Q. Okay.

10 A. He was just staring straight. I mean, I only
11 drove by for a few seconds there, as I was going by, but he
12 didn't move his neck. He didn't look up. He didn't move.
13 He was just straight at the steering wheel.

14 Q. Okay. And do you recall when this -- was this on
15 your way home, or --

16 A. Yes.

17 Q. -- right after you dropped off --

18 A. Yes.

19 Q. -- Heidi.

20 A. Uh, that part. See, it seems like it was right
21 beforehand. It seems like I had seen him -- somewhere it
22 said on the thing it says it was right beforehand, but I -- I
23 thought it was after the fact that I saw Leah.

24 Q. Well, whatever you remember, you tell us.

25 A. From what I recall, I thought it was afterwards

Heather Reid

1 that I had seen Leah, but from I guess what I just read on
2 the little computer thing, it says I saw him beforehand.

3 Q. Okay. Well, we'll have to double-check that.

4 A. Okay. (Laughs.)

5 Q. I want you to testify as to how you remember it.

6 A. I -- how I remember it was that I saw him
7 afterwards.

8 Q. Okay. Now, a couple days later, did you talk to
9 Nick about -- or did he talk with you about where Leah was or
10 anything like that?

11 A. Um, that's another hard part. You know, it seems
12 like I did talk to him, and I think -- and I seen him
13 somewhere and did talk to him, but I can't recall exactly
14 what it was that we talked about.

15 Q. Okay. The reason I ask is there were some kind
16 of reports that picked this up, and you tell me if I've got
17 it wrong. It says that you saw Nick a couple of days later.
18 He asked if you knew where Leah was. You told him no. You
19 tell -- you told him you saw him at Fast Mart that night.

20 Do you recall this at all?

21 A. Mm-hmm.

22 Q. And you told him that he was in the Thunderbird,
23 or the T-bird.

24 A. Mm-hmm. Yes.

25 Q. Do you remember this conversation?

Heather Reid

1 A. Yes. Now I am. Yes.

2 Q. Okay. Could you tell the grand jury, please,
3 this conversation, what you remember.

4 A. Um. He was asking me if -- he was acting all
5 concerned, of course, and everything, and was still trying to
6 investigate, trying to figure out where she was at. Asking
7 me if I had seen her, and I told him exactly what I had told
8 the FBI that night; that she was walking down the road, and
9 everything.

10 And that's pretty much all I can really remember
11 from what I had said. I don't remember him asking questions
12 or anything. I just remember him asking me if I had seen
13 her, and that was it.

14 Q. Okay. In the reports, there was something that
15 he said he didn't remember being at Fast Mart.

16 A. Mm-hmm.

17 Q. And then he said something about, "Gee, I wasn't
18 in the T-bird," or something like that.

19 A. Yeah. And now that you say that, yeah, I did
20 kind of have a little, uh -- not an argument with him, but he
21 basically tried calling me a liar. And I said, "No, I know
22 what I saw. I saw you and it was you in your mom's car."
23 That's -- thank you.

24 Q. Okay.

25 A. I didn't get down all the way, the computer. I

Heather Reid

1 didn't read it all. (Laughter.)

2 Q. No, that's -- But this -- you remember this?

3 A. Yes, I do.

4 Q. Okay.

5 A. Yes, I do.

6 Q. It's not based on the computer, or what I'm
7 saying. You --

8 A. Nope. I remember that now. Thank you.

9 Q. All right. All right.

10 I've got a couple of other questions here. As
11 you're probably aware, there has been some rumors floating
12 around town and -- about what happened to Leah and what have
13 you.

14 Do you know a guy named Jamie Thurman?

15 A. Mm-hmm.

16 Q. And how about a Nicole Lindsey?

17 A. Yeah.

18 Q. Okay. There's a story floating around town that
19 you were over with Heidi Crook, you guys were over at
20 Nicole's place, and Jamie Thurman starts talking about how
21 Bill Sero killed Leah. Do you remember this at all?

22 A. I don't remember that particular time, but I
23 do -- I do remember that rumor very, very well.

24 Q. Okay. Do you remember Jamie Thurman telling you
25 this?

Heather Reid

1 A. No.

2 Q. Okay. The rumor -- okay. So I want to make sure
3 I'm clear. Jamie Thurman never told you that Bill Sero
4 killed Leah. Is that right?

5 A. I don't remember. He could have, but I -- I
6 don't remember that conversation. I'm sorry.

7 Q. Has anybody told you that they killed Leah
8 Freeman?

9 A. Not themselves personally saying I -- that they
10 personally, but I've heard --

11 Q. What have you heard?

12 A. That Bill -- Kristin Steinhoff was driving
13 somebody's car. And it was her, uh, Bill -- Bill Sero, and
14 Alicia Michaud. And they were driving down the road, coming
15 from Brent Bartley's house, from the acid party.

16 And Kristin already had a beef with -- or had
17 problems with Leah because she really liked Nick at the time.
18 And she, I guess, was on acid and everything, and she was
19 pretending like she was going to hit her, and actually did
20 hit her is what I -- was told. Or what I was -- what I
21 heard.

22 And some other -- I mean, some more -- I -- I
23 tried to tell -- after I'd already made that report to the
24 FBI then, I had talked to my stepbrother and talked to him.
25 And he told me another piece of information that I tried to

Heather Reid

1 tell the FBI later on, but they didn't -- no, the police
2 department, but they didn't want to hear it.

3 Q. What was the --

4 A. My -- my stepbrother Rocky Pierce said that he,
5 Bill Sero, and Tom Stemmerman from Coos Bay on Libby Drive,
6 had Leah's bloody clothes in my brother's car, in Rocky
7 Pierce's car, and they took them over to Tom Stemmerman's and
8 burned them over there.

9 Q. Okay.

10 A. And then that's -- they had her trapped over
11 there for a few days.

12 Q. Okay. Whose clothes did they have?

13 A. Leah Freeman's.

14 Q. Leah Freeman's clothes.

15 A. In a bag.

16 Q. In a bag. Okay.

17 But -- now, and who told you this?

18 A. My stepbrother Rocky Pierce.

19 Q. Okay. All right. Is Rocky around?

20 A. Yes, he's in Myrtle Point. I just talked to
21 Officer Webley and McNeeley.

22 Q. Okay. Did you tell them what you just told us
23 here?

24 A. Mm-hmm. They're going to go over there to Myrtle
25 Point today.

Heather Reid

1 Q. Okay. Very good. Has Rocky lived over there a
2 while?

3 A. He's been there forever.

4 Q. Okay. And I'm going off the top of my head here.
5 I don't have all the police reports right here in front of
6 me, but I recall that Mr. Sero stayed with some people over
7 in Myrtle Point in 2000. Was Rocky living over there in
8 2000?

9 A. Mm-hmm.

10 Q. I want to say that he was staying with Rocky in
11 2000.

12 A. He very well could have. They were -- they used
13 to be really good friends.

14 Q. And I recall that, at least wherever this place
15 was that Mr. Sero was staying over there, that police seized
16 a whole bunch of clothes over there. Do you --

17 A. I don't know anything about that.

18 Q. -- know anything about that?

19 Okay. All right. I'm just going off the top of
20 my head here.

21 A. Okay.

22 Q. Okay. Since you -- in the last few years, have
23 you had any contact with Nick McGuffin?

24 A. No.

25 Q. Okay. Outside of this rumor that you have told

Dave Hall

1 us about here today about Bill Sero, Alicia Michaud, Tom
2 Stemmerman, and what your brother told you and this and so
3 forth, do you have any information at all about what happened
4 to Leah Freeman?

5 A. No. That's all I know.

6 Q. And outside of what you told us, do you know what
7 happened to her?

8 A. That's all I know.

9 MR. FRASIER: Okay. I don't think I have any
10 other questions.

11 Does the grand jury want to ask her anything?

12 (Pause.) Okay. All right. Thank you.

13 THE WITNESS: Thank you.

14 **TESTIMONY OF DAVE HALL**

15 (Witness sworn.)

16 BY MR. FRASIER:

17 Q. Okay. First of all, this is the grand jury for
18 Coos County, and we're looking into the disappearance of Leah
19 Freeman, the death of Leah Freeman.

20 And it's obvious -- I turned on two different
21 recorders, so you're aware we're recording this.

22 First of all, could you tell us, sir, who you are
23 and what your occupation is.

24 A. My name is David Hall. I'm a police officer.

25 Q. And you work now for where?

Aaron West

1 which I think it was the Darla we talked to earlier, before
2 lunch. Okay.

3 All right? Okay. Thank you, sir.

4 THE WITNESS: Thank you.

5 MR. FRASIER: You're free to go.

6 **TESTIMONY OF AARON WEST**

7 (Witness sworn.)

8 BY MR. FRASIER:

9 Q. Thank you. This is the grand jury for Coos
10 County. We're looking into the death of Leah Freeman. And I
11 guess the first thing I got to tell you is we're recording;
12 it's kind of obvious, okay?

13 A. Yeah.

14 Q. All right. First of all, could you tell us your
15 name please, sir, and where you live.

16 A. It's Aaron West, and right now I'm living at 1290
17 North Collier in Coquille.

18 Q. Okay. How old are you, sir?

19 A. 30.

20 Q. So ten years ago, in the year 2000, you would
21 have been 20?

22 A. 20, yeah. Almost 21. I'll be 21 in August. Or,
23 I would have been 21 in August. I'll be 31 --

24 Q. Okay.

25 A. -- in August. So --

Aaron West

1 Q. And have you lived in Coquille all your life,
2 basically?

3 A. Basically. I went through college in Wyoming for
4 18 months. Other than that, I've been in Coquille my whole
5 life.

6 Q. Okay. Do you know or did you know an individual
7 named Nick McGuffin?

8 A. Yeah. I did. I did. I know the whole family,
9 and kind of grew -- I grew up with his older brother Wayne,
10 and Nick was always the tag-along, and stuff. So, yeah, I --
11 I know -- I know the whole family. Haven't really been in
12 contact with them for a long time, but --

13 Q. When would be -- just approximately, how long has
14 it been since you've had contact with the McGuffins?

15 A. Um, Nick would have been the only one, and it
16 would have probably been four or five years ago. I've seen
17 him out at Bandon Dunes. My wife works out there, and I was
18 picking her up, and she said -- she had mentioned that he was
19 working there, and I seen him when I was picking her up and
20 just said hi and he said hi, and we kind of went on our way.

21 Q. Okay.

22 A. But before that, it was during all this time.
23 This time --

24 Q. All right.

25 A. -- was going on, was the last that I've really

Aaron West

1 had anything to do with.

2 Q. Okay. Did you -- did you also know, or were you
3 aware of an individual named Leah Freeman?

4 A. Yeah. Yeah, I know that -- that her and Nick
5 were -- were going out. And, you know, wherever Nick was,
6 she pretty much was too.

7 Q. Okay. Did you have an opportunity to see how
8 their relationship was?

9 A. Um. A little bit. I saw her, like when they
10 would show up at somebody's house where we were at, and
11 stuff. They'd interact a little bit. You know, but it was
12 pretty much -- I don't know. They were -- seemed pretty
13 normal kind of couple --

14 Q. Okay.

15 A. -- at that time. I mean, they had their -- you
16 know they would have their arguments and stuff every now and
17 again. Not very often, you know. I think I've -- maybe two
18 or three times -- heard them, you know, not agreeing on
19 something.

20 Q. Okay. Was it kind of a quiet argument, or did
21 they raise their voices, or --

22 A. It was -- it was pretty quiet. There was --
23 there'd be quite a few people around and stuff, and he -- he
24 seemed to try to -- try to not make a scene --

25 Q. Okay.

Aaron West

1 A. -- about it.

2 Q. I want to go back to the day that Leah Freeman
3 disappeared, which was June 28th, 2000. And do you recall
4 that evening being at the Fast Mart?

5 A. Uh, yeah.

6 Q. And were you acquainted with another boy named
7 Josh Ernler?

8 A. Yep.

9 Q. And David Jenkins?

10 A. Yep. Yeah, they were both with me that night.

11 Q. All right. And around 7:00 in the evening, does
12 Nick show up at the Fast Mart?

13 A. Um, it was -- it -- probably around that time.
14 It was -- it was early, early evening.

15 Q. Okay.

16 A. There was a bunch of us there. It was a pretty
17 local hang-out for everybody around that age. There was, you
18 know, 20, 30 people sometimes there. But yeah, he pulled up
19 kind of early-evening time, and was there. Just hanging out
20 and --

21 Q. Was Leah with him when he pulled up?

22 A. -- stuff. Um, I think he was alone.

23 Q. Okay.

24 A. I'm not -- I'm not -- I can't quite remember if
25 she was with him at that point or not, because I'd seen them

Aaron West

1 off and on that whole day.

2 Q. Okay.

3 A. Because of, you know, we would run into each
4 other and most of the people I hung out with. And I know
5 that she was with him a few times in the car, with him. But,
6 as far as exactly remembering that that time when he showed
7 up if she was there, I'm not sure.

8 Q. Okay.

9 A. I know she was at her friend's house, or supposed
10 to be going to her friend's house or something, some time --
11 some time after that.

12 Q. All right. Now, when he's at the Fast Mart
13 there, do you recall what vehicle he was driving?

14 A. Uh, yeah. It was his blue Mustang. I think it
15 was blue. Like a teal, baby blue -- older Mustang, like
16 '60s -- maybe '66, '67 Mustang.

17 Q. Okay. Now, does Nick say anything to you or do
18 you hear him say anything about being upset with Leah that
19 night?

20 A. Um, not really at that time. Not at that time.

21 Q. Okay.

22 A. Later -- I mean, later on when we're talking we
23 ended up going out to Johnson mill pond.

24 Q. Okay.

25 A. And he kept talking about being stressed out

Aaron West

1 about having to pick her up at a specific time because they
2 were -- something was going on with them, and they had to --
3 he was trying to fix it or something like that. Um --

4 GRAND JUROR: So, just for clarity, you four --
5 that's Josh Ernler, David Jenkins, you, and Nick -- you
6 decide to drive out to Johnson mill pond?

7 THE WITNESS: Johnson mill pond, yeah. And Josh
8 and -- Josh and Dave would ride with me, and Nick drove his
9 own car out.

10 GRAND JUROR: And it's while --

11 THE WITNESS: And I know he was alone then.

12 GRAND JUROR: And it's while you're out there at
13 Johnson mill pond that Nick talks about having to go pick her
14 up at a certain time --

15 THE WITNESS: Yeah.

16 GRAND JUROR: -- and being stressed out --

17 THE WITNESS: Yeah. Stuff, and not wanting her
18 to walk because she -- she was either upset with him or
19 something, I can't -- I don't really remember the gist of it.

20 Just that he was -- he seemed pretty stressed
21 about being adamantly on time, and not messing this part --
22 this up, and not getting her mad at him any more than she
23 already was.

24 GRAND JUROR: Okay.

25 THE WITNESS: But I mean, he never went into any

Aaron West

1 detail as to what the -- they were upset with each other
2 about.

3 BY MR. FRASIER:

4 Q. Okay. While you're there -- again, I'm not going
5 to get anybody in trouble for this. But while you're there,
6 you guys smoked some marijuana?

7 A. Yeah, we did. We, uh -- I smoked a lot of
8 marijuana back then. We did -- most of us that were hanging
9 out did all kinds of stuff at one point in time.

10 Q. Okay.

11 A. But, yeah. That was the -- that was the main
12 purpose of going out to Johnson mill pond, was a lot of
13 times, everybody that was around at Fast Mart, you know, we
14 would smoke pot in the parking lot and stuff. And Steve
15 didn't care about us being out there, you know. He never
16 came out there and watched us, or anything. He was just
17 happy to have people there that would go and buy his food out
18 of his store and stuff.

19 But we'd just --

20 Q. When you say Steve, you're referring to Steve
21 Lyons?

22 A. Yeah, the owner of Fast Mart.

23 Q. The owner of Fast Mart, okay.

24 A. And stuff. And, uh -- we basically didn't want
25 to share with everybody that was there. And so we decided to

Aaron West

1 go -- let's just go out of town, where do you want to go, I
2 don't know, let's go to the mill pond. And that's where we
3 ended up. It was -- it was -- yeah, to get stoned.

4 Q. Okay. How long were you out there, do you
5 remember?

6 A. Uh, a good hour -- maybe two. We were out there
7 for quite a while.

8 I remember that, because we'd -- we'd go out
9 there and we'd go whip doughnuts in the big openings and
10 stuff, and have fun and it was -- it was big and open and out
11 of town, and that's where a lot of the local people would go
12 there with, like, their four-wheel drives and their cars and
13 stuff, and drive fast or, you know, spin around in the
14 gravel.

15 So we were out there for quite a while, and --

16 Q. Now, Nick had to go and pick up Leah; is that
17 right?

18 A. Yeah, and he was talking -- he started talking
19 about -- he kept checking his watch and stuff, and asking me
20 what my watch said and what time it was, again.

21 Then he had to go, and we were all, you know, we
22 just were like, "All right. Well, we'll just finish this and
23 then we'll go and it'll be all right. You're not going to be
24 that late; you know, might be a couple of minutes late," kind
25 of thing.

Aaron West

1 Q. Okay.

2 A. Just kind of just blowing him off about him
3 having to go because we were right in -- right in the middle
4 of doing stuff.

5 And, uh, he sat there and fussed and stewed a
6 little bit, but didn't really say anything. And we finished
7 what we were doing and took off back to town.

8 Q. All right.

9 A. And --

10 Q. Now, you and Josh and David, you went back to
11 Fast Mart?

12 A. Yeah, we, uh -- we actually followed Nick into
13 town, and he turned -- we're coming down on Central or
14 something, whatever the street is at McKay's. And he turned
15 up 4th Street to, uh -- I think that's where Leah was
16 supposed to be. Out where he's supposed to pick her up,
17 somewhere up 4th Street.

18 Q. Okay.

19 A. And we continued on and went to Fast Mart. And
20 we were going to wait for him there because he was supposed
21 to come back up there, and we didn't know what we were going
22 to do for the night; we hadn't figured that out yet.

23 It was just -- just now starting to get dusk at
24 that point in time, so I figure it would probably be around
25 9:00 or so --

Aaron West

1 Q. All right.

2 A. -- when we got back to Fast Mart.

3 Q. And after you're at Fast Mart, does Nick show up
4 again?

5 A. Yeah, he did. Probably it was within five or ten
6 minutes after we got there. He pulled up, and got out, and
7 just asked like in general, not specifically to me or
8 anything, just to everybody that was there, if anybody had
9 seen Leah walking by because she wasn't where he was supposed
10 to pick her up at.

11 I don't remember anybody seeing her, or at least
12 saying that he saw her. I didn't -- I hadn't seen her at
13 that point in time.

14 Q. Had you seen her -- did you see her that night at
15 all?

16 A. Not after -- I -- not after he showed up at Fast
17 Mart and we went out to Johnson mill pond.

18 Q. Okay.

19 A. And I, um, didn't see her any time after that.

20 Q. When he shows up at Fast Mart, you know, 10 or 15
21 minutes or five or ten minutes after you guys got back, do
22 you remember what car he was driving?

23 A. He was still -- he was still in his Mustang when
24 he first showed up.

25 Q. Okay.

Aaron West

1 A. And um --

2 Q. So, he's asking where Leah is, and he's nervous.

3 A. Yeah, he seemed kind of -- nobody really said
4 they knew anything. "No, we haven't seen anybody."

5 And, you know, some people had just shown up.
6 Like we had just shown up there, and stuff. And I can't
7 remember if anybody specifically had seen her.

8 Q. Okay.

9 A. Or just in general maybe had seen her walk by.

10 Q. So then what did he do at that point?

11 A. He seemed kind of -- he really -- when he first
12 got there he seemed kind of upset and stuff. Worried, maybe.
13 Kind of flustered.

14 And then he said he was going to go drive to her
15 house and see if she had made it to her house yet, and he
16 left Fast Mart and went up the road towards -- towards her
17 house over on the Sanford Heights area, I think.

18 Q. So he's going to where she's staying, or where
19 she was living at the time?

20 A. Yeah. Yeah, that's where he said he was going to
21 drive and see if he saw her walking or see if she had made it
22 home yet, or not.

23 Q. Now, to get that street, Knott Street, you would
24 have to walk by the high school, right?

25 A. Yeah.

Aaron West

1 Q. Now, did you see Nick again later that night?

2 A. Yeah, I actually saw him several times.

3 Q. Okay.

4 A. He drove, um -- not really sure how long it was
5 he was gone looking for her to see if she had went home. It
6 was quite a while. You know, it could have been -- it could
7 have been 30 minutes, it could have been an hour, maybe a
8 little longer.

9 It was -- it was long enough that, you know,
10 there was like, okay, he must have found her and went on his
11 way, kind of thoughts --

12 Q. Okay.

13 A. -- and stuff.

14 And then he did -- he came back. And, uh, I
15 think at that point in time he might still have been driving
16 the Mustang at that time. He came back a couple hours after
17 that time too, but either that time or the next time is when
18 he had switched cars to a T-bird. I can't remember, it was
19 like a dark maroon, maybe, color.

20 Q. Now, this --

21 A. Mid '80s, early '90s T-bird.

22 Q. Okay. So he switched over to this Thunderbird?

23 A. Yeah.

24 Q. And that was his mom's car?

25 A. Um, I think it was originally his mom's car, and

Aaron West

1 he was either buying it from her or she was going to give it
2 to him because she -- she was getting a new vehicle or
3 something. But he would drive it every once in a while, and
4 stuff, months before this happened, thing. And I'd see him
5 driving it.

6 Like, he didn't have gas or anything. And I know
7 that Mustang was problematic in some areas, and stuff. And
8 it would break down, and he would show up the next day
9 driving the Thunderbird, and stuff.

10 But he, uh -- he said that it -- that something
11 like that happened. It was either something with the fuel or
12 he was out of gas or he was really low on gas and didn't have
13 money to put in his gas tank, was what he said when he showed
14 back up in the Thunderbird.

15 Because I said, "Where did your Mustang go," you
16 know, because he'd been driving that all day.

17 Q. Okay. So, I just want to make sure. You're
18 absolutely certain that on June 28th, the day that Leah
19 disappeared, he switched cars sometime that night?

20 A. Yeah. Yeah, 100 percent. 100 percent sure that
21 he switched cars. I specifically remember asking him where
22 his -- where his Mustang was.

23 "I just saw you an hour or so ago leave Fast Mart
24 in your Mustang, and now you're back and you're in the
25 Thunderbird." And it was something to do with either being

Aaron West

1 out of gas -- he ran out or he was really low, so he got it
2 back to his parents' house and got in that car, which is what
3 he said.

4 Q. How many times do you think you saw Nick that
5 night?

6 A. Maybe six? Five, six, seven times, driving back
7 and forth. He never really stopped again. Maybe once or
8 twice he would stop at the Fast Mart.

9 I was at Fast Mart. I don't know what time I
10 left Fast Mart. It was pretty late before I went home and
11 stuff, because we'd just hang out there all evening. Nothing
12 else to do.

13 Q. Okay.

14 A. And we'd see him drive by, and he would look and
15 he would wave every time he would drive by. And then a
16 little while later -- you know, an hour, maybe two hours
17 later, half an hour sometimes, he'd drive back by. And he
18 kept going like, you know, he's looking for her kind of
19 thing.

20 Q. Right.

21 A. Every once in a while he would stop on one of his
22 passes and ask if anybody had seen her yet, or if anybody had
23 heard from her. And then he'd just go on his way, and stuff.

24 Q. So, you stay at Fast Mart until whatever time you
25 decide to go home.

Aaron West

1 A. Yeah.

2 Q. All right. Now, I take it you didn't go to a
3 party that night? Outside of going to Johnson mill pond, you
4 didn't go to any party?

5 A. No.

6 Q. Okay.

7 A. No, I -- in the days following that night, I
8 heard that there was -- I had heard it was an acid party, is
9 what I heard. But up until that point in my life, I had
10 never heard of anybody in Coquille having an acid party or
11 mushroom party or --

12 Q. Okay.

13 A. -- anything like that. That was new to me. And
14 then, you know, I didn't really believe that it was an acid
15 party, but --

16 Q. Okay.

17 A. -- I had heard that there had been a party either
18 that night or the night -- night after that, or --

19 Q. All right. Well, the reason I ask you about the
20 party is there's this rumor floating around about a party.

21 A. Uh-huh.

22 Q. And one of -- the rumor that's floating around is
23 that there was a party that night, the night that Leah
24 disappeared, out in Fairview. Do you know anything about a
25 party out in Fairview?

Aaron West

1 A. Um, that's where I heard it was. I heard it --
2 that it was, uh, Sennet's, uh -- the boy, the oldest boy
3 John.

4 Q. Okay. Matt?

5 A. I think John -- No, he's Matt's older brother.

6 Q. Oh, okay.

7 A. Because Matt was below me --

8 Q. All right.

9 A. -- three years, I think. And then, his -- I
10 think it's his older brother. He's way taller than -- way
11 taller than Matt. He's a big guy, and --

12 Q. Okay.

13 A. I know it was John, that's it. John Sennet.

14 Q. Okay.

15 A. I think his name was John, but he would go by his
16 middle name a lot of times.

17 Q. Okay. Well --

18 A. And, uh -- he supposedly was the one that was
19 throwing a party out in Fairview.

20 Q. Okay. Were you ever at a party where Nick was at
21 and Leah Freeman was at, you know, like either the night
22 before or the night of the disappearance?

23 A. Um, I was at a house -- I don't know the address
24 or anything, but it's where the Hampton Apartments are on
25 Dean Street. There's a little crossroad that goes sort of

Aaron West

1 straight across from it, and there's two little white houses
2 set back from the road.

3 Brent Bartley and, uh, I think Chris Duncan were
4 the ones that were renting the house.

5 Q. Danny Lapine?

6 A. Yeah, Daniel Lapine was there. He -- he lived
7 right there; I don't know if he was helping rent --

8 Q. Okay.

9 A. -- there, but yeah. Brent -- Brent and Daniel,
10 and I think Chris Duncan was another person living there.

11 And stuff. And almost every night up until that
12 point, there was always some kind of something going on.

13 People were drinking every night, and --

14 Q. Okay.

15 A. -- you know, it was kind of like a party, but it
16 wasn't like, an official, "We're having a party on this day."
17 It was basically Daniel and Brent and Chris, just alcoholics
18 just drinking all the time, people coming over, and it's a
19 place you can go get drunk.

20 Q. Okay.

21 A. And you can just get tore up or --

22 Q. All right.

23 A. -- stuff. And I -- I remember being there the
24 night before that happened. You know, stopping in, coming in
25 and going out a couple times that day. You know, I'd go over

Aaron West

1 to that house probably at least once a day in the la -- you
2 know, since the day they rented the place till during and
3 after this happened, and stuff. I mean, they were friends.
4 I went to school with Brent and Daniel.

5 Q. Okay. So you -- prior to Leah disappearing, days
6 before or something, you might have seen Nick and Leah there
7 in that house?

8 A. Yeah. Yeah, I know I've seen them at that house
9 within the day -- either the day before, or the day before
10 that. Within one or two days before she disappeared, I know
11 they were at that house.

12 Q. Okay. Now, since Leah's disappearance, have you
13 had any contact with Nick?

14 A. Other than -- other than just, you know, in
15 passing, not really, except for I had seen him once at Bandon
16 Dunes.

17 And I saw him, you know, for a few weeks maybe,
18 that entire summer, I'd see him off and on and stuff during
19 the day and stuff when he'd be out and about. And, you know,
20 we'd talk a little bit, and stuff. But --

21 Q. Did he ever talk with you about Leah
22 disappearing?

23 A. Um. Yeah, he -- he talked about -- he talked
24 about her a lot after she disappeared. About finding her,
25 and still looking for her, and not knowing how -- he -- he,

Aaron West

1 you know, portrayed a genuinely sincere, um, depression
2 maybe, about -- about the fact that she was gone. And, you
3 know, whether or not that it was a, you know, a guilt thing,
4 or whether or not it was, you know, just my girlfriend's
5 gone. Because he -- you know, he seemed genuinely in love
6 with her.

7 But, you know, at that age, you know 18 -- 17, 18
8 years old, who knows -- who knows what love is, in my mind.
9 (Laughs.)

10 Q. Okay.

11 A. You know, kind of thing. But he seemed -- he
12 seemed generally concerned and would ask on -- every time
13 we'd see him, if anybody had heard anything or anybody knew
14 anything or anything like that.

15 Q. Since this grand jury is looking into Leah's
16 disappearance, do you have any information as to who might
17 have killed Leah Freeman?

18 A. Um, not really. I mean, there is so much talk
19 between all the little groups of people around town and stuff
20 at that age. Or everybody had a different story. And I know
21 that, uh, a guy named Bill Sero came up a lot.

22 Q. Okay.

23 A. And a -- and an Alicia Michaud came up a lot as
24 possible, doing something. I had heard that -- I'd heard
25 that somebody ran her over with a car, and it was Bill Sero

Aaron West

1 and Alicia Michaud and somebody else. I can't remember the
2 third person's name, was in the car. And they were, you
3 know, talking about, "Oh, I wonder what it would be like to
4 kill -- to run somebody over," and then -- all of a sudden,
5 you know, they ran her over and freaked out and -- but this
6 is all just stories.

7 Q. But this, uh, what you've heard, you didn't hear
8 this directly from Bill Sero or Tom Stemmerman?

9 A. No.

10 Q. This was just what people were talking --

11 A. This is just what people were talking about, and
12 stuff. And every time -- I had met Bill Sero after the fact.
13 I met him, maybe two or three times, just in -- uh, I'd show
14 up with a friend of mine to somebody's house and he happened
15 to be there. And it was probably three or four days after
16 she disappeared was the first time I'd ever met him.

17 Q. Okay.

18 A. You know, and I'd heard his name in the past as
19 far as, you know, he's a drug addict kind of guy, and that,
20 you know, if you need to get any kind of drugs, he can get
21 whatever you want for you, kind of thing, and stuff.

22 And I finally met him on that day, and nothing at
23 all was said at any of the times that I was around him about
24 anything except for that he's going to sue.

25 One time I remember, he was ranting and raving at

Aaron West

1 a house I went to. It was -- I think it was on Collier too,
2 right before it goes -- right before the Winningshams' house
3 on the other side, you know, a little bit. Somebody rented a
4 house there that he stayed at. Maybe a -- Ron Slegal or Ron
5 Osburn. I know he stayed there.

6 But he was ranting about how the news said that
7 he -- he was one of the persons that did it, and that he was
8 going to sue the news company and stuff. He was ranting
9 about how it's false as -- falsification or defamation of
10 character.

11 Q. Okay.

12 A. But other than that, yeah. I'd never heard him
13 say anything, or any of the other people.

14 Q. All right. Just so we're clear, nobody's ever
15 confessed to you that they killed Leah Freeman, right?

16 A. No.

17 Q. Okay. And has anybody told you, "I saw Leah
18 Freeman being murdered," or anything?

19 A. No. Nobody's ever told me that specifically.

20 Q. The stuff that you have been hearing has all been
21 second-, third-, fourth-hand.

22 A. Yeah. Yeah, it's all been, "I heard from this
23 person that overheard Bill talking," or "I heard from this
24 person that overheard Alicia talking," or --

25 Q. Okay.

Heather Reid

1 A. -- kind of thing. Yeah, it was all at least
2 secondhand if not fifth or sixth or tenth --

3 Q. Okay.

4 A. -- kind of thing.

5 Q. Is there anything else you think the grand jury
6 ought to know about?

7 A. Um. Not really. I can't really think of
8 anything. Um. I don't -- I don't know.

9 MR. FRASIER: Okay. Grand jury want to ask him
10 anything?

11 THE WITNESS: Unless you have questions -- you
12 have any questions about anything, I'd help. (Pause.)

13 MR. FRASIER: Okay. I think you're done.

14 THE WITNESS: All right.

15 GRAND JUROR: Thank you.

16 MR. FRASIER: You're free to go.

17 THE WITNESS: Thank you.

18 **TESTIMONY OF HEATHER REID**

19 (Witness sworn.)

20 BY MR. FRASIER:

21 Q. First of all, this is the grand jury for Coos
22 County, and we're looking into the death of Leah Freeman.
23 Okay? It's obvious, but I need to tell you I've turned the
24 recorders on, so we're recording this, okay?

25 A. Okay.

Craig Zanni

1 shoe. Did you later, at my request, give us a DNA sample to
2 check it against you in the case?

3 A. Yes, I did.

4 Q. And it turned out that your DNA was on the shoe?

5 A. Yes, it was.

6 Q. All right.

7 Just so -- for some reason, the McGuffin family
8 thinks that DNA from -- well, they thought it would be
9 Officer Zavala, would show up on her body. And of course I
10 don't know where they're getting that, but the question I
11 have for you, you didn't have anything to do with Leah
12 Freeman's death, did you?

13 A. No, I did not. In fact, I -- I actually took a
14 polygraph on that.

15 Q. Well, we can't talk about polygraphs.

16 A. Okay.

17 Q. All right. Thank you.

18 MR. FRASIER: All right. That's all the
19 questions I have.

20 Any questions for the officer? (Pause.)

21 Okay. Thank you.

22 THE WITNESS: Thank you very much.

23 **TESTIMONY OF CRAIG ZANNI**

24 (Witness sworn.)

25 BY MR. FRASIER:

Craig Zanni

1 Q. First of all, this is the grand jury for Coos
2 County, and we're looking into the death of Leah Freeman.
3 And, even though it's obvious, I need to advise you I'm
4 tape-recording. We're recording these proceedings here
5 today.

6 First of all, could you tell us your name,
7 please, and --

8 A. Craig Zanni.

9 Q. (Laughing.) And your occupation?

10 A. Uh, currently retired. Other than -- other than
11 being a special investigator for the district attorney's
12 office and the sheriff's office and Coquille Police
13 Department.

14 Q. Okay. And, you -- just so everyone's aware, we
15 get to vote for you in November as the only person on the
16 ballot for sheriff?

17 A. As far as I know.

18 Q. Okay. (Laughter.) You were -- you worked for
19 the sheriff's office for how long?

20 A. 30 years.

21 Q. And you worked there -- for the last many years
22 you were with the sheriff's office, you were a detective
23 sergeant?

24 A. Yes.

25 Q. In charge of investigations?

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1 A. Yes.

2 Q. And in that capacity, you've been involved in
3 numerous homicide/death investigations, missing persons, and
4 so forth?

5 A. Yes.

6 Q. I want to direct your attention to June 29th of
7 2000. At that time you were the detective sergeant, still,
8 at the sheriff's office?

9 A. Yes.

10 Q. Did you become aware that Leah Freeman was -- or,
11 at least that there was a missing girl, a teenage girl, in
12 the city of Coquille?

13 A. Yes, I did.

14 Q. What did you do when you heard that information?

15 A. Well, that original information, a -- a detective
16 who worked for me who is now retired, by the name of Mike
17 Brinkley, and I were walking downtown. It was lunchtime.

18 I happened to see the then-chief of police at
19 Coquille. I basically greeted him and asked him, you know,
20 what's going on. And he said, "Well, I've got this missing
21 young girl."

22 I said, "That don't sound good."

23 And he goes, "Oh, it's probably just a runaway."

24 And I says, "Well," I said, "I've got some
25 detectives over there," I says. "We've been scheduled for

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1 court, but of course the -- the case pled out." I said,
2 "They're available; they could use the work, and I'll send
3 them over."

4 He said, "Don't really need your help."

5 I said, "Well, somebody needs to sit down and see
6 who the last person was with this victim, find out what's
7 going on," I says.

8 He said, "Well, the boyfriend."

9 I said, "Somebody needs to sit down with the
10 boyfriend and get a really detailed statement about what went
11 on." I said, "I'll send some detectives over and they'll
12 help."

13 "No -- don't need them."

14 And so we went on.

15 Q. Okay. Did you actually, the next day, send a
16 couple guys over to, you know --

17 A. Well, a couple things happened. That afternoon
18 after lunch, as I was coming back, Mike Brinkley said he had
19 to make some stops, so I walked back to the sheriff's office.

20 Unbeknownst to me, talking to Mike later, he'd
21 gone over to the police department and offered to help.

22 And when I had gone back to the sheriff's office
23 I talked to the then criminal division commander Larry
24 Leader, and told him that -- you know, that Coquille has a
25 missing girl case that just -- it bothers me. I says, "We

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1 offered to help."

2 And unbeknownst to him, talking to Larry Leader
3 later, that he'd gone over and talked to them and offered to
4 send detectives over. Of course he was my boss; I think he
5 could have arranged that.

6 Um, the next day, I don't believe we sent any
7 detectives over because we were still basically told we
8 weren't needed.

9 Q. All right. At some point in time you learn the
10 FBI is in town, helping -- or supposedly helping?

11 A. Yes. In fact, uh, that was the first part of the
12 following week.

13 In fact, on that Saturday, which was around the
14 4th of July, a couple of my detectives called me at home and
15 said, "Hey, have you seen the paper? This girl's been
16 missing. Something's wrong. So, we need to find out."

17 And the next thing I'm aware is the FBI is in
18 town assisting the Coquille Police Department with their
19 investigation.

20 Q. You contacted me during that time frame,
21 expressing concern?

22 A. I'm sure I did.

23 Q. Okay.

24 A. I usually had -- when I had concerns about a
25 case, you were usually one of the first people that heard

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1 about it.

2 Q. Okay. Did you -- well, finally at some point in
3 time did Chief Reaves ask for the assistance of the major
4 crime unit here in Coos County?

5 A. Uh, eventually. Uh, I don't recall the exact
6 date, but I think it was around July 5th, 6th, or 7th.
7 Somewhere in there.

8 Q. All right. Why don't you tell the grand jury a
9 little bit about our major crime team, so they understand it.

10 A. Okay. The major crime team came about years ago
11 because it used to be literally that each agency, you know,
12 basically handled whatever cases they had. And for most
13 things that's probably sufficient, but, you know, as we all
14 grow mature and aware of what life's like, we get better.
15 And what had happened was, there were a couple of incidences
16 that had caught -- had occurred in a couple of small
17 communities, and they called particularly the state police
18 and sheriff's office for help.

19 And what we had decided was, rather than get
20 involved where it fell upon one agency to try and do a major
21 case, that we would commit to an interagency agreement that
22 basically we would have a team of people that each agency
23 would provide some help to the best of their ability. And
24 that way, when you had a major incident, we'd have enough
25 people to handle the situations, and also those people could

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1 be in getting the experience and training necessary to do
2 those cases.

3 So what we did is, is by sending people to school
4 and having them being involved in other cases that maybe they
5 weren't the main investigator on, but assisted, they gained
6 knowledge and experience and learned how to do those. And
7 that was the whole purpose, is gaining experience, knowledge,
8 and the ability to more effectively investigate those.

9 And it became very effective. We -- people had
10 developed extreme expertise, very knowledgeable and
11 understanding of the overall investigation.

12 And what it did was, for example, is if Powers,
13 who has one officer now, called and we send the major crime
14 team, they're going to end up with 15-20 trained
15 investigators to help them with that case.

16 And, likewise, if something happened in North
17 Bend, then the Powers officer could come over. He would
18 assist. He would learn something from that and also have an
19 extra body for North Bend, rather than just depleting all the
20 manpower they had. So that was the purpose behind that.

21 It also had -- we had an assigned prosecutor, so
22 if we needed, uh, legal advice on things that we were doing
23 in an investigation, it was there.

24 We had people who were from the crime lab who
25 were part of that team, so we had somebody who was very

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1 knowledgable of physical evidence, latent evidence, and those
2 type of things, who was there to advise us on what to do.

3 We had people who had expertise in the
4 interviewing techniques and that type of thing.

5 And, basically what we did was we brought a group
6 of people, had experts in different fields to all help and
7 gather so we had a complete group that could cover all the
8 aspects of the investigation.

9 Q. And that resource in this case was not brought to
10 bear until probably a week after Leah had disappeared?

11 A. It was not.

12 Q. Now --

13 A. We have changed protocols because of that, also.

14 GRAND JUROR: That's what I was going to say.
15 Why did he keep turning down the help?

16 THE WITNESS: I don't know.

17 GRAND JUROR: Was anyone on the Coquille police
18 part of the crime team?

19 THE WITNESS: They had been, yes. They weren't
20 at that time because they had a fairly inexperienced crew,
21 but some of those people working at the department had been
22 involved in our program in the past.

23 Since you asked the question, I will tell you we
24 changed our protocols because it's one of those things
25 sometimes, I don't know if it -- and -- and I'm not making a

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1 judgment call on this now. But if it's personal, if it's
2 conceptual, or afraid to admit I can't do something or I
3 can't handle something, or it's they are really convinced
4 they don't need it. But the protocols I can tell you
5 immediately changed after that, because shortly after this
6 incident we had another one where another chief basically
7 told me that "I don't need your help." And I told him, I --
8 under no uncertain terms, let's put it that way. It was a
9 little more colorful than that, that I didn't care what he
10 wanted; we were -- the -- the major crime team was coming.
11 And he could make room or he could just find a place to go
12 sit, but it was going to be done right.

13 BY MR. FRASIER:

14 Q. In the course of this investigation, obviously --
15 well, I shouldn't say obviously, but one focal point of this
16 investigation has been the boyfriend of Leah Freeman, a
17 Nicholas McGuffin.

18 A. Yes.

19 Q. Have there been other persons who have been
20 looked at as potential suspects in this case?

21 A. Yes. Many.

22 Q. One person that pops up that I would like you to
23 talk to the grand jury about is a guy named Eldon or Sonny
24 Shandlon (phonetic).

25 A. -- Shandlon. Yes.

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1 Q. Why don't you tell the grand jury how he come
2 onto the screen, and what we did in regards to that night.

3 A. Um, while investigating this case, one of the
4 things we were trying to do is basically, is -- there's a --
5 there's an old joke among police officers, considering -- in
6 these kind of cases you usually pair up. And I was paired up
7 with Detective Sergeant Young from North Bend Police
8 Department. And our adage was, is we suspect everybody in
9 the world because we -- the only people we know didn't do it
10 is me and you, and I don't know about you, type of thing.

11 It came to his attention via a -- a report from
12 some people that there was an individual who had lived in the
13 apartments near the high school. There's an old set of
14 apartments which is now storage warehouses.

15 That had lived there, who had left the area on or
16 about the time that Leah Freeman had disappeared. Didn't
17 have an exact date, but --

18 Q. And this apartment that he'd been living in would
19 have been close to where the shoe that was eventually
20 determined to be Leah's was found by --

21 A. Yes.

22 Q. -- Mr. Messerle?

23 A. Yes. Exactly.

24 Q. And what was the information, again, you had
25 about Mr. Shandlon?

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1 A. That he had lived there. He was an odd character
2 for a myriad of reasons. And he had left, basically just
3 left the area, and subsequently found out that he had left a
4 lot of his clothes and other things in the apartment where he
5 lived.

6 So at that point Sergeant Young and I began to
7 try and find more out about him. And, um, I don't know how
8 much detail you want me to go into, but --

9 Q. Let me -- just so I'm clear, and the grand jury's
10 clear: He's living in an apartment next to where the shoe
11 was found, and basically within a couple of days of
12 Ms. Freeman's disappearance he leaves town and leaves a whole
13 bunch of his personal property in the apartment. Doesn't
14 tell the landlord he's leaving, nothing. He's just gone.

15 A. As I recall, I believe he was in debt to the
16 landlord to start with. But he just left, yes.

17 Q. Okay. We make some efforts to locate him?

18 A. Uh, yes. Traveling to Tennessee and Colorado,
19 twice, kind of an effort. Especially when -- fortunately we
20 didn't have to drive to Tennessee, but we did drive to
21 Colorado twice.

22 Q. And after -- did you eventually find Mr.
23 Shandlon?

24 A. Yes, we did.

25 Q. And were you able to eliminate him as a suspect?

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1 A. Yes. Uh, and we took fingerprints and DNA swabs,
2 and interviewed him at length.

3 We had also -- our first trip to Colorado we
4 missed him -- as it would come to find out after five days,
5 we missed him by about 11 minutes.

6 But, um, we were able to do research and find out
7 that he was abscond from the Naval Reserve and he was --
8 wasn't all that uncommon, from what we could tell, for him to
9 just take off and leave whatever he had acquired and start
10 all over someplace else. He was basically very -- a very
11 transient individual.

12 Q. Now, was there also some guy that was in prison
13 in Utah named Michael Miller that had written some letter?

14 A. Yes.

15 Q. And did you get to travel to the great state of
16 Utah for that?

17 A. Yes.

18 Q. Could you tell us about that.

19 A. Basically, he indicated by letter that he had
20 information regarding the case and might be able to clear it.
21 And we went over, and again did some background about why he
22 was in prison and how long he had been in prison and those
23 type of things, which basically led us to have concerns about
24 what he might know.

25 And we did interview him, and it was typical of

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1 this, "You give me everything I ever ask for and get me out
2 of prison, and I can solve your whole case."

3 And basically, those result with, "Well, as soon
4 as you can show me some credibility, then we'll start moving
5 towards your needs, but we have to have something."

6 And it was basically, uh, nothing of -- that,
7 that -- he had nothing that somebody couldn't have gleaned
8 from reading and following some of the stuff, that we could
9 tell. And basically he just wanted to get moved to where he
10 wanted to in the prison system and get what he wanted, and
11 then maybe he could help us. But basically it resulted in
12 nothing that indicates he had any information, or useful
13 information or knowledge about the case.

14 Q. Going back to June -- or July of 2000, within a
15 couple weeks of the homicide team getting involved in this
16 case, was a -- was the team, or was Coquille police contacted
17 by an attorney in Roseburg by the name of David Terry
18 regarding a woman named Alicia Michaud?

19 A. Alicia Michaud. Yes.

20 Q. And were you involved in interviewing Alicia
21 Michaud on occasion?

22 A. Which occasion?

23 Q. Well --

24 A. (Laughing.) On multiple occasions, yes.

25 Q. Tell us about Alicia Michaud.

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1 A. Alicia Michaud is a classic case of what happens
2 when you become paranoid from excessive drug abuse, and it
3 actually impairs your brain function -- my opinion.

4 Um, we interviewed her on multiple occasions
5 because she claimed to have knowledge of -- of what happened
6 to Leah Freeman, and how that all occurred. And in each and
7 every case the story she tale -- tells have been investigated
8 and they do not hold up. Uh, the time, the places she
9 claimed things occurred aren't accurate. The people involved
10 we can account for, aren't where she said they were.

11 And I think when the -- in fact, the first time
12 we interviewed her she was in a rehab group, and I think she
13 has a fair amount of delusions. And I'm not a doctor, but if
14 there was -- if I ever thought I knew what the definition of
15 that is, I think her picture would make a good definition
16 because she -- she's just really messed up.

17 Q. Her story, it's changed over every time you
18 talked to her?

19 A. Yes.

20 Q. Though the basic story is, was Leah got run over
21 by a car?

22 A. Yes.

23 Q. And when she first told you about this, was it --
24 did she say she was in the car, or somebody told you about
25 the car, or was it a dream, a vision --

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1 A. Well, as far as I recall, I think she said
2 something about she was in either the car that -- I have to
3 look at my reports because it's been a long time. And I,
4 quite frankly, try and forget what she told me. And I find
5 it frustrating just to think about it.

6 That she saw or was told by the persons directly
7 involved that this is what happened. And we were able to
8 substantiate that the things that she presented out of that
9 were not accurate. That those people weren't in contact with
10 her, and those types of things.

11 Q. Right. Did she also mention two individuals,
12 Bill Sero and Tom Stemmerman?

13 A. Yes, she did.

14 Q. And was there efforts made to contact either
15 individuals and see if they were involved in this at all?

16 A. Yes.

17 Q. And during the course of this investigation, did
18 you find any credible evidence that connected William Sero or
19 Tom Stemmerman to the death of Leah Freeman?

20 A. No. There's -- I couldn't even -- other than
21 people claiming that that was a possibility, I've never been
22 able to find anything to substantiate those claims, either
23 physical, witness, any type of materials.

24 Q. And just so we're clear, over the years you've
25 worked on this case -- even though you were in the sheriff's

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1 office, you worked on this case over the years since Leah
2 disappeared?

3 A. Yes.

4 Q. And in fact you've authored over 200 pages of
5 reports?

6 A. That I don't know, because I didn't count them.

7 Q. Okay. I'll show you one day.

8 A. Okay. Well, I did bring pictures of my dog in
9 one of them.

10 Q. Yeah, I saw that. (Laughter.)

11 A. I'll let him explain it.

12 Q. Yeah, okay.

13 Now, over the years, any potential suspect or
14 person of interest in this case, outside of Nick McGuffin,
15 had any name that's come up through your investigation, at
16 least the parts that you did, were you able to eliminate
17 other people as suspects in this case?

18 A. Yes.

19 Q. The only person that you have not been able to
20 eliminate through your investigation has been Nick McGuffin?

21 A. That is correct.

22 Q. All right.

23 Now, 2008, the case -- we got a new chief here in
24 Coquille?

25 A. Yes.

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1 Q. Mark Dannels.

2 A. Mark Dannels, yes.

3 Q. And did he approach you about being on a cold
4 case team to work on this?

5 A. Yes, he did.

6 Q. And starting in 2008 -- well, who was all on this
7 cold case team?

8 A. Um, there was a number of people. There was
9 myself; Tom Benz, who's retired from the state police;
10 Sheriff Mike Cook, who's retired from sheriff's office; Larry
11 Leader, who is a retired criminal division commander or
12 lieutenant from the sheriff's office; Dale Oester, a retired
13 investigator with the state police. Um, I --

14 Q. Did Jim Pex come in?

15 A. Yeah, uh, Jim Pex, Lieutenant Jim Pex, who
16 retired from the state police crime lab.

17 I think at some point Kathy Wilcox, a retired
18 forensic scientist from the state police crime lab, has been
19 involved.

20 And a myriad of people. A lot of those people
21 that I've named at some point were parts in the major crime
22 team during their careers prior to their retirement.

23 Q. And one of the things that had to be done was put
24 the case back together, look at where the reports were, and
25 the evidence and so forth.

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1 A. Yes.

2 Q. And you spent a lot of time in that regard,
3 helping with the case?

4 A. Uh, I spent a lot of times, uh, kind of as a
5 ready reference to the case because I've tried to stay
6 current with it and apprised to what's available, what
7 information is coming up. It's one of those that, you know,
8 it -- if you could ever -- you know, you could have a special
9 birthday wish, a resolution to those would be the best thing
10 you could get.

11 Um, obviously because it involves a child, but
12 it's like any other case. You know that there's a way of
13 resolving it if you can just find the right angle at this
14 point in time.

15 Q. Okay. In going through some of the evidence that
16 we've gone through, were there things that we found that were
17 discovered in 2000 that were not brought to the attention of
18 the team?

19 A. There were numerous items, both physical evidence
20 and witness information that, as reopening this case in 2008
21 has come to light, that -- I'll just use the word "shocking,"
22 but that's my opinion, I guess. But, um, that -- that was
23 not -- should have been available to investigators in the
24 original investigation. And had it been handled properly,
25 would have been. I'm being mean, but --

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1 GRAND JUROR: Are you implying the original
2 investigation via the police department or when the FBI --
3 from the time the FBI came on board?

4 THE WITNESS: The FBI did -- what they did, they
5 did very well. But the problem was this case -- normally --
6 let me go back to when we were talking about the major crime
7 team. Normally what we do, and the most difficult part in a
8 major case -- and I will tell you, if you ever get the
9 opportunity to be a case officer, run for your life.

10 The case officer basically is supposed to be
11 somebody has some experience, knowledge, and understanding of
12 the program; where, as the information comes in, he evaluates
13 it and tries to figure out where it should -- how it fits
14 into the puzzle, what needs to be done with it, and if
15 additional follow-up's needed and that type of thing.

16 So what we have done in years past is I ended up
17 being the case officer on many of those cases. Um, when it
18 was a sheriff's office's case, I was the case officer,
19 generally speaking.

20 So, what you try to do is have somebody who has
21 that, to look at the case and basically manage it.

22 As an example, is a baseball team. You have
23 coaches, but you have the manager. The coaches help the
24 players, but the manager has overall control, and that would
25 be the case officer.

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1 So as information comes in, he goes, Okay, this
2 needs to go to the batting coach because this guy needs to
3 work on -- he's going to be going against a left-handed
4 pitcher. And I hope I'm not losing anybody using a sports
5 analogy, but left-handed pitcher, so he needs to work on his
6 batting technique against left-handed batters. Because he
7 has to inherently know that, as a manager.

8 Well, a case officer is supposed to keep those
9 things, and keep them organized. And that's part of his job
10 is to organize that information.

11 And what we have done, like when we had, as I
12 mentioned before, small agencies, we would take them when
13 they had an incident in their town. We would try to develop
14 their employees; say, "Okay, well, you have to have a case
15 manager because it's your -- you know, in your city, it's
16 your case."

17 Well, he doesn't have any experience.

18 That's okay. We're going to put an experienced
19 case manager to sit right there and walk him through it, so
20 next time he'll know how.

21 Well, in this case, as I -- as it was brought up
22 earlier, we offered to bring in the major crime team. They
23 decided to handle that in-house. And when we finally did get
24 involved, they assigned case managers who for all intents and
25 purposes did everything they were capable of doing, but they

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1 had no experience and training. And we were kind of held
2 somewhat at bay to try and do that, to be involved more
3 significantly to give them the opportunity to manage that.

4 In many cases, um -- you had an officer earlier
5 in today who worked for Coquille. When he was given that
6 responsibility, we tried to help him as much as we could, but
7 we were kind of -- at least, if nothing else, felt like we
8 were being told, No, you know, you just stay back a little
9 bit; we're handling this. We -- we're on top of it.

10 So we tried to encourage him, give him -- we'll
11 give him outlines and concepts of what he needed to do. But
12 I -- I don't think he was capable of doing it at that time,
13 and we weren't allowed to get somebody who could involved.

14 BY MR. FRASIER:

15 Q. That was -- it wasn't necessarily coming from
16 Officer Hall that he didn't --

17 A. No, Officer Hall was more than willing. And many
18 times he called, and I know as Larry Leader or -- at the time
19 spent great lengths on him on the phone about, Okay, here's
20 what you need to be doing, what you need to be looking at,
21 here's how it needs to proceed.

22 At one point it was given -- unbeknownst to me,
23 was a new -- an officer in Coquille, a female officer, who I
24 later subsequently found out had never been to the academy.
25 Had not even -- was not even through the training process, as

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1 a case manager.

2 GRAND JUROR: Well, my kind of question is
3 related to the evidence that you're saying has come up since
4 then, that just was not --

5 THE WITNESS: It was brought -- somebody
6 discovered it, it was brought in, presented to the person in
7 charge, and they basically went, "Oh, that's nice."

8 Although we might him -- want him investigating
9 all the dog pictures, it never got to him that, Hey, look-it,
10 we found another dog picture. You might want to find out
11 about this. It didn't go where -- to the investigators in a
12 manner that would in -- that would continue or enhance the
13 investigation.

14 Boy, am I dumping on an employer? (Laughter.)

15 BY MR. FRASIER:

16 Q. Okay. All right.

17 GRAND JUROR: Couldn't, when that happens, it
18 would go past a couple other people so that does have the
19 practice --

20 THE WITNESS: Normally, you know, it's one of
21 those things, if you don't know, ask.

22 GRAND JUROR: Yeah.

23 THE WITNESS: You know. But, you know, it --
24 there -- it's always one of those things is, is it wrong to
25 not know? No. You can't know everything. And so part of

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1 that is, you know, like you say, there's -- I -- I spent my
2 career, part of my job is investigating major crimes and --
3 and dealing with people who were hardened criminals. And it
4 was always fascinating to try and kind of play the mind game:
5 What is their intention?

6 The real problem is, is generally most honest
7 people don't -- it's a lot harder to figure out why they did
8 certain things, because you don't spend that much time with
9 them. And it -- and it gets kind of interesting to
10 understand, okay, was it ego? Was it self-consciousness
11 because they were afraid for somebody to know that they
12 didn't know something?

13 And -- and then during those investigations you
14 really don't have time to sit and play that game, you just
15 want to get things done. And it gets --

16 GRAND JUROR: I know, but somebody could lose
17 their -- lose their life over that.

18 THE WITNESS: Like I said, this is -- this is
19 a -- the great example of why we've adapted and changed the
20 rules that we have now. For example is if, um, we receive a
21 call and some chief said, "No, I've -- we've got the problem,
22 but we don't need you and we don't want you involved," I will
23 tell you, I have -- since this case, there were a couple of
24 cases where we had new chiefs come into town or something,
25 different agencies that said, Well, I don't need you. And we

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1 said, Well, we don't care you need it, we're here, and this
2 is now our investigation. Because the DA is the lead
3 prosecutor for any community or any county, and has authority
4 to take that case away -- which the sheriff also does. And
5 on behalf of the sheriff who sent me here, you're not in
6 charge anymore. We'll take this.

7 Now, we want you to be involved, because it is
8 your city, your department, and we're fine. But we're not
9 going to let you out there and just mismanage it. It's not
10 going to happen.

11 BY MR. FRASIER:

12 Q. In this case -- and just a couple things.

13 Again, I don't want to sound like I'm picking on
14 a lot of people.

15 Larry Leader or Lieutenant Leader was with the
16 sheriff's office at that time?

17 A. Mm-hmm.

18 Q. And he was -- he's received a lot of training in
19 interviews, interrogations, and things along that line?

20 A. Yes, and he was a graduate of the FBI national
21 academy.

22 Q. And when the team did get involved, was he asked
23 to be involved in doing any interrogations or interviews with
24 anybody?

25 A. No.

Craig Zanni

1 Q. Was like the service that Chief Reaves wanted him
2 to do would be like walking down railroad tracks looking for
3 evidence?

4 A. Uh, yes. And in fact I'll -- I'll just lay it
5 out here. I'm going to make some people mad, but life's
6 tough in the big city.

7 Uh, Larry Leader -- one of Larry Leader's
8 expertise is search and rescue. When he was in the military,
9 that's what he did in Alaska. He was on a LRT team, which is
10 long range patrol. So Larry is -- and quite frankly is
11 probably one of the most consummate woodsmans [sic] I've ever
12 known or seen in -- in -- in -- at least in my life.

13 One of the things they did on many occasions
14 during this investigation when we had teams out looking for
15 Leah Freeman, he tried to provide input to the Coquille
16 Police Department about looking. And there is a process, and
17 myself and many others go through because the sheriff's
18 office responds to search and rescue. There are trainings
19 that -- how you conduct a search. And in a case like this,
20 how and where you conduct that search, and how you -- how you
21 set up where you're going to search first and why those are
22 of value.

23 For example, if you're searching for somebody
24 that missed in a mountainous area, the first thing you do is
25 you're not going to go check the top of the mountain, because

Craig Zanni

1 people are going to go -- especially if they're hungry and
2 wet and cold -- they're going to go downhill. So you're
3 probably looking from where they started downhill. And
4 there's -- there are actually computer programs that help you
5 evaluate where you need to check.

6 And Larry is -- is probably the -- the best known
7 expert in our area for this. He was trying to give them
8 ideas on where they needed to search first, and he was being
9 overridden with -- of -- of his recommendations and stuff.
10 "No, we don't need to check there right now; we need to check
11 these areas."

12 And I know he was horribly frustrated, and he's
13 just a much nicer guy than me because I would have just
14 thrown a wing-ding fit.

15 And eventually, what happened was one of the --
16 when Leah's body was -- was found, what happened was one of
17 the teams had come in from searching the areas that they had
18 been directed by the -- the people running the Coquille case.
19 And Larry said, "No, you need to go check this location."

20 "Why," was the question.

21 And he says, "It's quite evidenced from what we
22 see, if this was a homicide" -- which at that time we were
23 perceiving it was. He says, "It's going to be a hasty body
24 dump, they're not going to drive too far, and this is -- this
25 is the one area that fits that criteria." And as soon as

Craig Zanni

1 they got out there, they found her body.

2 And this is probably at least a week after he'd
3 been telling them, "This is where you need to check."

4 GRAND JUROR: And by that, they slowed it up so
5 they could have had forensic --

6 THE WITNESS: Mm-hmm.

7 GRAND JUROR: -- evidence.

8 GRAND JUROR: So it would have only been five
9 weeks instead of six?

10 THE WITNESS: Well, it probably would have been
11 sooner than that. I'm being --

12 GRAND JUROR: Okay.

13 THE WITNESS: I'm trying not to be totally
14 negative here. I'm usually a happy-go-lucky guy, and I
15 immediately find a lot of humor, but this is one of those
16 cases that when we resolve it maybe I'll have some humor
17 about some of those things, but until I do they're not quite
18 there.

19 BY MR. FRASIER:

20 Q. Since 2008, since the case has been re-opened,
21 has the investigation been conducted in a manner that you
22 believe, based on your professional opinion, is a competent
23 way to do this?

24 A. Absolutely. I think it was very well done. And
25 just to trust that is one of the things is we had as many of

Craig Zanni

1 the original officers who were involved there to provide
2 information and resources, and we had a totally new set of
3 officers go from step one and redo everything.

4 So, if we made a mistake, fine. You know, you
5 own up to it. We made a mistake here. It would have been
6 better if we did that at that time, if we'd have known
7 certain things. We didn't. Or we just made a mistake, you
8 know. We slipped up. Fine.

9 And they went back and re-did each and every one
10 of those steps. And basically what they did is they did
11 their own investigation. And the former investigators, like
12 myself, were there simply as a resource. We didn't tell them
13 what you should get out of this interview or anything else;
14 we left them to do their job, and then basically compared it
15 with what they got to what we got.

16 Q. Okay. I don't think I have anything else.

17 Is there anything that I forgot that I should
18 have asked you?

19 A. Um, how this relates to dog training.

20 Q. Uh-huh. We'll worry about that later.

21 (Laughter.)

22 GRAND JUROR: Well, how do you know how to do it?

23 THE WITNESS: Well, I lost my last dog. I had to
24 put him down three weeks ago. So --

25 GRAND JUROR: Sorry to hear that.

Craig Zanni

1 THE WITNESS: This is kind of -- this is kind
2 of -- Mr. Frasier can explain how this is kind of the
3 memorial service that -- of 25 years of bantering about dogs.

4 GRAND JUROR: I got a question -- I got a
5 question though, sir --

6 GRAND JUROR: About the dog?

7 GRAND JUROR: -- the transient person that was in
8 that apartment complex that you said.

9 THE WITNESS: Eldon Shandlon.

10 GRAND JUROR: Yeah. Did he have an automobile?

11 THE WITNESS: Mm -- he did, but it was left in
12 Powers, and it was gone through and processed and all that.
13 It belonged -- I believe it was his grandmother. Uh,
14 Sergeant Young would remember because he dealt with her. But
15 it was his grandmother's, and there's no relationship to --
16 that we could find -- to that vehicle, that night.

17 In fact, without reading my reports I can't tell
18 you for certain, but I believe he actually left before that
19 date, if I recall. I think he might have even left the day
20 before or two days before. I can't say -- I can't tell you
21 that for certain because I haven't --

22 GRAND JUROR: Okay. And one other thing. You
23 said that -- and I may, I'm -- this is stunning. You said
24 there, your -- a minute ago, you said something about your --
25 was it the relation to how the investigation was done, that

Craig Zanni

1 you were shocked or something?

2 THE WITNESS: The fact that, well --

3 GRAND JUROR: Well, no, I mean -- because, is
4 there something --

5 THE WITNESS: Well, for example --

6 GRAND JUROR: -- where will you get the evidence?
7 Like, is there more evidence --

8 THE WITNESS: There's evidence, and I will -- and
9 I will give you of example of that, is when they re-opened
10 this case and were putting -- trying to process the files.
11 And I don't know what -- I'm trying not to say something I
12 shouldn't say, because there are rules.

13 But basically, when we have a case like this, it
14 had been -- the people that worked for me and the people that
15 I worked with and that I worked for, it has to have some kind
16 of organization. Usually, what you'll come down -- if you
17 were to go into the Sheriff's office, you'd see a bunch of
18 binders. And they'll be broken down by forensic reports,
19 officer interviews, witness statements, and those types
20 things. And they'll be alpha -- alphabetized, numerically in
21 order, and some of it you'll have multiple binders. Some of
22 it will have just block sections of, with the -- the witness,
23 and the key part of their statement that we want to know and
24 how it relates, and there will be a relationship to a piece
25 of physical evidence or supportive evidence of another

Craig Zanni

1 statement.

2 When -- after Chief Daniels -- Dannels had talked
3 to me about this, and we started moving forward, he got the
4 files out. And basically it was piles of reports stuck in a
5 box. There was no alphabet, number. It was kind of like if
6 you guys were taking notes, and I said, Now, we want you to
7 make sense of what they do. Okay, I'll do that. And I just
8 took and threw all of them in a box.

9 You have to sit down and go through that to
10 process that, and that didn't happen. And one of the big
11 things that shocked me is one day Chief Dannels had come in
12 and says, "Hey, what did you think of one of the suspect's
13 interviews?" And he was talking about the primary person of
14 interest in this case.

15 And I go, "Well, he didn't really say nothing
16 from what the report said."

17 He goes, "No, the taped interview."

18 And I'll tell each and every one of you, I get
19 goosebumps now just thinking about it. I go, "What taped
20 interview?"

21 "Didn't you know that the chief had sat down and
22 interviewed him and had tape-recorded it? Have you ever
23 heard it?"

24 I said, "I've not only not heard it --"

25 MR. FRASIER: Okay. Now we've got to stop

Craig Zanni

1 because I ran out of tape. (Laughter.)

2 THE WITNESS: Just when you get a good story.

3 GRAND JUROR: Speaking evil.

4 THE WITNESS: We now break for commercial
5 interruption.

6 MR. FRASIER: I think what we need to do is take
7 a break for a few minutes. So why don't we stop for about
8 five or ten minutes.

9 (Recording stops and resumes.)

10 THE WITNESS: (continuing) -- always very -- how
11 shall I put it -- sophisticated. Always stood right, sat
12 right. And this is Cody the Cowboy. (Laughter.) If you
13 happened to get in his way when he was doing a search, that
14 was your problem because if you got bowled over -- which many
15 officers found out, after having worked 13 years with this
16 dog. They're always used to a dog that would wait for them
17 to get out of the way. And then they subsequently quickly
18 learned that when this dog came, get out of the way because
19 he's not stopping for you.

20 MR. FRASIER: Okay. Where were we when the tape
21 ran out? I forgot what we were talking about.

22 GRAND JUROR: Someone was asking a question.

23 GRAND JUROR: I think we were pretty wrapped up
24 and stuff, but you were saying about the evidence --

25 THE WITNESS: Oh, the evidence. We were talking

Craig Zanni

1 about --

2 GRAND JUROR: Oh, the tape.

3 THE WITNESS: -- the tape.

4 And I was totally unaware. I even asked -- and
5 I've -- and -- and there's, there's some communication with
6 myself and the other investigators who have retired. I
7 actually called them and asked them, "Were you aware that the
8 primary person of interest in this case was ever interviewed
9 on a tape?" And most of their response was, "Well, that
10 would have been really nice to know." To have at least heard
11 that and had some idea of what the response was.

12 Because part of what you do in this line of work
13 is when people talk to you, people will tell you things
14 whether they want to or not. And part of that is, it's
15 built-in, it's psychological, and you can control it. But
16 eventually, in any interview, parts of it will slip out, much
17 is in handwriting analysis. Things will come out that you
18 don't want to come out, because we just do.

19 I want to give you an example of that. Do you
20 remember, about 12, 14 years ago there's a woman in, I
21 think -- I believe it was in Kentucky, who drowned her
22 children in the car?

23 GRAND JUROR: Mm-hmm.

24 GRAND JUROR: Uh-huh.

25 MR. FRASIER: It was Georgia.

Craig Zanni

1 THE WITNESS: In Georgia, that's right. I get
2 all those places confused. Traveling and driving around, it
3 gets confusing.

4 The night -- first night she was on radio,
5 there's a big story in the news. She claimed a black man had
6 abducted her kids, taken her car, and carjacked her.

7 In my experience and training -- and I am not an
8 expert at it like many people are. But the first night she
9 was on there, she made a statement about, you know, I --
10 and -- and she -- her terminology, to explain it, I don't
11 remember her exact words. But when she spoke of her
12 children, she spoke to them in the past -- of them in the
13 past tense.

14 And the minute she said that I turned to my wife,
15 I said, "She killed them."

16 And my wife goes, "How do you know that?"

17 I said, "Listen to what she said. She said,
18 well, she missed her kids and, you know, she knows they're --
19 they're -- they're much better now." And I don't remember
20 exactly what it was. I said, but her terminology -- she's
21 talking about those children. They no longer live. They are
22 past. And those kind of things creep into your terminology
23 whether you want to or not, at some point.

24 Like I said, some people are better at hiding it
25 than others. But eventually, at some point, if you can talk

Craig Zanni

1 to somebody, they will give you those little tidbits. They
2 will come out.

3 I would assume most of you have had children or
4 been around children. And it's always interesting when you
5 talk to them, it's the same thing. Everybody's heard as a
6 child, or dealt with a child, when you said -- when they go,
7 Well, how do you know that? And a little bird told you. And
8 in fact the child told you, just by the way they said that.

9 You know, you say, "Who was the last one in the
10 cookie jar?"

11 "Not me." (Laughter.)

12 And you go, "Yes, you were."

13 "Well, how -- how did you know?"

14 "Well, a little bird told me." Well, because
15 those kinds of things are so engrained, we don't -- we don't
16 even consciously do those.

17 And -- and I didn't lose the point, just in case
18 you wondered. That tape is much like that. It would have
19 been very interesting to have been -- had the opportunity
20 back in 2000 when this investigation originally started, to
21 know what was said, how it was said, and what went on with
22 those because it would have been one more insight into where
23 we could have gone with this.

24 MR. FRASIER: All right. I don't think I have
25 any more questions for soon-to-be Sheriff Zanni. (Laughter.)

Craig Zanni

1 Does the grand jury have any questions for him?

2 THE WITNESS: Please.

3 GRAND JUROR: You had a question about the -- um,
4 what do you call it?

5 GRAND JUROR: Yeah, I don't know if it's for you,
6 probably more than him. But the mention of polygraphs has
7 been brushed away several times --

8 MR. FRASIER: Okay. Polygraph evidence --

9 GRAND JUROR: -- because they're not admissible
10 in court, but we're not in court --

11 MR. FRASIER: They are not --

12 GRAND JUROR: -- so why are we not allowed to
13 hear those?

14 MR. FRASIER: They're not admissible in court.
15 The rules of evidence apply to some degree to grand jury.

16 GRAND JUROR: Oh, okay.

17 MR. FRASIER: And because of that -- and again, I
18 cannot stress strong enough. You know, I've tried to tell
19 people, Don't talk about polygraphs. It's been brought up a
20 couple times. You cannot infer anything from a polygraph.

21 GRAND JUROR: Right, right. No, we're just --
22 I'm just curious on why it's being brushed away when we're
23 not in court.

24 MR. FRASIER: They shouldn't -- shouldn't talk
25 about it. So I don't want you to even consider it.

Patrick Smith

1 GRAND JUROR: Well, okay. Yes.

2 MR. FRASIER: All right?

3 THE WITNESS: Okay.

4 MR. FRASIER: Okay.

5 **TESTIMONY OF PATRICK SMITH**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. Why don't you hand me the -- the documents,
9 there. Thanks.

10 First of all, could -- well, first of all, this
11 is the grand jury for Coos County and we're looking into the
12 death of Leah Freeman. Of course it's -- I have to advise
13 you that we are recording the proceeding, even though it is
14 obvious. Okay?

15 A. Yes, sir.

16 Q. First of all, could you tell us your name,
17 please. And your occupation?

18 A. I am Patrick Smith. I am the police lieutenant
19 for the City of Coquille.

20 Q. All right. And how long have you been with the
21 City of Coquille?

22 A. Since March 2005.

23 Q. You came to work here after Leah Freeman
24 disappeared; is that correct?

25 A. Yes, sir.

Patrick Smith

1 GRAND JUROR: Well, okay. Yes.

2 MR. FRASIER: All right?

3 THE WITNESS: Okay.

4 MR. FRASIER: Okay.

5 **TESTIMONY OF PATRICK SMITH**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. Why don't you hand me the -- the documents,
9 there. Thanks.

10 First of all, could -- well, first of all, this
11 is the grand jury for Coos County and we're looking into the
12 death of Leah Freeman. Of course it's -- I have to advise
13 you that we are recording the proceeding, even though it is
14 obvious. Okay?

15 A. Yes, sir.

16 Q. First of all, could you tell us your name,
17 please. And your occupation?

18 A. I am Patrick Smith. I am the police lieutenant
19 for the City of Coquille.

20 Q. All right. And how long have you been with the
21 City of Coquille?

22 A. Since March 2005.

23 Q. You came to work here after Leah Freeman
24 disappeared; is that correct?

25 A. Yes, sir.

Patrick Smith

1 Q. And during the time you came to work here, you
2 became aware that there was this open case, open homicide
3 case about Leah Freeman?

4 A. Yes, sir.

5 Q. And did you discuss this with Chief Reaves; the
6 case, and so forth?

7 A. I did.

8 Q. Talked with him about trying to get the case
9 re-opened, and things along that line?

10 A. Yes, sir.

11 Q. What kind of results did you have when you talked
12 to the chief about this?

13 A. Uh, little to none. I mean, that is probably the
14 best way to say it. I mean, the -- when I first arrived
15 there, the documents for the case and the case files and
16 binders and stuff were, um, in complete disarray. The
17 documents were spewed all over various offices, so I probably
18 spent the first two years trying to get everything back
19 together and put everything back into some sort of orderly
20 files and boxes and things of that nature, so we had
21 everything at least in one location.

22 Q. And in 2006 I wrote a letter to the department
23 saying, These are the reports I have; I'm sure I have stuff
24 you don't, and back and forth.

25 Did you talk with the chief about my thoughts of

Patrick Smith

1 getting together and comparing notes and things along that
2 line?

3 A. I think that's one of the things that probably
4 sparked my interest in -- because it -- prior to that I
5 didn't really even know anything about it. Other than the
6 fact that I had heard the name Leah Freeman, I didn't know
7 anything that there was a -- an open case still on this. So,
8 after we received your letter, that's where I spent the next
9 couple years trying to get everything back together again.

10 Q. All right. No real efforts were made to work on
11 the case during that time frame?

12 A. No. Every now and then we might get a -- a tip
13 would come in or something like that. Someone might call in,
14 but nothing of any kind of significance -- efforts was made
15 in connection with the investigation.

16 Q. All right. I want to direct your attention, I
17 think it's to -- well, to -- is it 2007? Matt Mandell
18 (phonetic), Stacy Napier --

19 A. Yeah, that was probably the most intense type of
20 investigation that we conducted.

21 Q. And in that time frame -- 2007, whenever it
22 was -- did you -- had you received information originally,
23 and I guess it went to the Coos Bay Police Department and
24 then was referred to the Coquille Police Department, about a
25 woman named Aubrey Shroeder in the Bend or Deschutes County

Patrick Smith

1 area?

2 A. Yes.

3 Q. And she had described how an individual named
4 Matt Mandell had told his girlfriend, who at that time was
5 Aubrey Shroeder, about how he had been involved in disposing
6 of the body of Leah Freeman? How he personally had been
7 involved in that?

8 A. Yes.

9 Q. And he had described to this Aubrey Shroeder
10 about how Stacy Napier had been the one that run her over
11 with the car?

12 A. Yes.

13 Q. Did you -- you got involved with that
14 investigation to determine whether or not Mr. Mandell was
15 giving a straight story in regards to that; is that correct?

16 A. I did.

17 Q. What was -- in checking out Mr. Mandell's
18 background, did you try to figure out where he was the summer
19 of 2000?

20 A. I did.

21 Q. And what did you find?

22 A. I learned that Mr. Mandell was in custody at a
23 juvenile facility -- correctional facility in Tillamook,
24 Oregon.

25 Q. And so he was not physically in Coos County when

Patrick Smith

1 Leah Freeman disappeared.

2 A. He was not.

3 Q. And so he -- despite what he had been telling
4 Aubrey Shroeder, he could not have been the one -- or he
5 could not have been helping Stacy Napier get rid of the body?

6 A. No.

7 Q. Now, as part of your work at the -- at the -- at
8 the police department, you're also the evidence custodian?

9 A. I am.

10 Q. And at my request today, did you provide to me
11 the original documents -- some original documents that I
12 asked to be produced?

13 A. I did.

14 Q. Okay. One of those documents -- Nick McGuffin,
15 when he was originally interviewed, did a handwritten
16 statement about the time line and so forth?

17 A. Yes, sir.

18 Q. And Brent Bartley had done the same.

19 A. He did.

20 Q. And you guys have kept those originals in your
21 custody since that time?

22 A. We have.

23 Q. And do those appear to be the copies of those two
24 documents?

25 A. Yes, sir.

Patrick Smith

1 Q. Okay. In addition, were there other documents
2 that I asked to be produced? For example, in -- back in
3 2000, was Leah's room searched?

4 A. It was.

5 Q. And was a diary that belonged to Leah found there
6 in the search of her room?

7 A. Yes, a little black velvet diary.

8 Q. Okay. And does this appear to be a scanned copy
9 of her diary?

10 A. Yes, sir.

11 Q. Were there other documents found? Did Leah
12 appear that she would maybe write a letter or a note to
13 herself or something about Nick or something that she wanted
14 to tell Nick but wouldn't give it to him in person? And were
15 those -- several of those documents produced?

16 A. Yes.

17 Q. I'm going to show you a couple. These two there,
18 and this one.

19 These -- those all appear to be documents that --
20 oh, here's another one. Those all appear to be documents
21 that came from Leah Freeman's room?

22 A. Yes, sir.

23 Q. Were some notes also found from Nicholas McGuffin
24 to Leah that were written kind of odd on some paper?

25 A. Yep. They were kind of taped together, and they

Patrick Smith

1 would make one big note. And there were two of them, and
2 these are them.

3 Q. All right. Now, back in 2000 there was a search
4 of Leah's -- or, excuse me, Nick McGuffin's home. Was his
5 yearbook taken in that search?

6 A. I believe so. I have a yearbook that was taken
7 during the search warrant.

8 Q. Okay. And does this appear to be pictures or
9 scanned copies out of that yearbook?

10 A. They are.

11 Q. All right. And this year -- wait a second. Did
12 I miss something? (Pause.)

13 This year, a search warrant was -- well, let me
14 back up. When the case was re-opened back in 2008, was
15 there -- that is maybe the one I'm looking for. Yeah.

16 Did you and Chief Dannels, once he came on, did
17 you guys go out and talk to Mr. and Mrs. McGuffin about this
18 case, when you re-opened it?

19 A. We did.

20 Q. Could you tell us about the time you first made
21 contact with them, how you guys got to know them, the request
22 or whatever, and then how it went from there.

23 A. Actually, it start -- started several --
24 probably, I want to say several weeks before we actually went
25 to the McGuffins' house.

Patrick Smith

1 Chief Dannels and I initiated a traffic stop on
2 a, um, vehicle in the area of Fairview and West Central for a
3 traffic violation, later determined that the driver of the
4 vehicle was Bruce McGuffin, Nick McGuffin's father.

5 Chief Dannels was primary contact during the
6 traffic stop, and he was driving the patrol vehicle, and he
7 went out and subsequently contacted the driver. I was
8 standing back a little bit. When Chief Dannels came back, I
9 went, wow, this -- because the traffic stop seemed to go on
10 for a long -- he was up there for like ten minutes. He came
11 back, and Chief Dannels and I got in the car.

12 After we left, he told me that was, you know,
13 Bruce McGuffin, and they had gotten into this conversation
14 and -- regarding, uh, the McGuffins coming forward. They
15 wanted us to look into certain elements of this investigation
16 regarding Leah's disappearance.

17 Q. And then, before the -- it became public
18 knowledge that the investigation had been re-opened, as a
19 courtesy, well, did you guys go out and talk to the
20 McGuffins?

21 A. Yeah, it was October -- in October. Chief
22 Dannels and I, on a Saturday, drove over to the McGuffins'.
23 It was pretty low key. I think we weren't even in uniform.
24 We drove an unmarked car. We drove up to Bruce McGuffin's
25 house and we had contact with Bruce and Kathleen McGuffin,

Patrick Smith

1 who is -- Kathleen is Bruce's -- or Nick's mother, Bruce's
2 wife. And, um, sometime while we were there, during that
3 conversation for a couple hours, Nick McGuffin arrived and we
4 had an opportunity to talk with him for a short period of
5 time as well.

6 Q. Okay. Again in January of this year did you
7 folks go out and talk to them, and let the McGuffins know
8 that the case was going to be re-opened?

9 A. We did.

10 Q. How did they treat you when you went out there?

11 A. Well, we pulled up in front of the --
12 Mr. McGuffin's house, and Bruce and Kathleen came out and
13 Bruce started screaming profanities about "Get off the -- my
14 fucking property," and things of this nature. And Kathleen
15 was -- started crying, and she was spouting off things.

16 And so Mark tried to talk to them for a few
17 seconds. They didn't have anything more to do with us, get
18 off your property and leave.

19 Q. Now, was it also made known to you from Mr. and
20 Mrs. McGuffin that they had hundreds of pages of documents
21 that would indicate the -- that Nick was not responsible for
22 the death of Leah Freeman?

23 A. During the -- our time the Chief and I went up to
24 the McGuffins' residence back in October, a couple of months
25 prior to that, they did make mention that they had hundreds

Patrick Smith

1 of documents that they could supply that would help show
2 evidence to exonerate Nick from this case.

3 Q. Okay. Did you ask them to give to you?

4 A. We did.

5 Q. Did they do it?

6 A. Nope.

7 Q. In January, again after this -- actually, it was
8 the same that Mr. McGuffin told you guys not to come back
9 without a search warrant, was an application made for a
10 search warrant for the McGuffin property?

11 A. It was.

12 Q. For these documents?

13 A. Yes, sir.

14 Q. And at that time was the search warrant executed?

15 A. Yes, sir.

16 Q. And was there a bunch of documents in there that
17 seemed to pertain to the Leah Freeman case?

18 A. Yes, sir.

19 Q. And were a bunch of those seized -- were they all
20 seized?

21 A. Yes, sir.

22 Q. Now, today -- just a couple of documents here,
23 that you -- one of the documents that you found appeared to
24 be a document where one of the McGuffin parents was writing
25 about a future trial?

Patrick Smith

1 A. Yes, sir.

2 Q. And where Nick McGuffin, according to this
3 document, was found guilty of murdering Leah Freeman?

4 A. Yes, sir.

5 Q. And that was one of the documents that was
6 seized?

7 A. Yes, sir.

8 Q. And this document -- I'm referring to the
9 paragraph that is second from the top, there -- was that
10 another one of the documents that was seized back in January
11 2010?

12 A. It was.

13 Q. And could you read that paragraph for us, the
14 second paragraph. This one right here.

15 A. Yep.

16 "Bruce told" -- and I can't quite tell how -- the
17 second name is.

18 But "Bruce told" somebody "that he" something
19 "north. Don't be surprised if he shows you an attitude.
20 Somebody said, Well, I have nothing amongst" --

21 And it's N, period, so I'm assuming that's Nick.

22 -- "amongst N. that all say that. And yes N. has
23 a problem c," slash under it, "them, all of them, us
24 included."

25 Then there's a line that says, "Lying, cheating,

Patrick Smith

1 et cetera."

2 Q. I'm back at 2000 now, when the search was done
3 originally on the home. Was there a note written by
4 Mrs. McGuffin to Nick that was seized?

5 A. There was.

6 Q. And does this appear to be a copy of that?

7 A. It is.

8 Q. The last paragraph -- full paragraph there.
9 Would you read that for us, please.

10 A. "I hope you calm down, because I'm worried you
11 get too angry. I hope you have a happy life, and we do
12 care a lot about you. Please take care of" -- some
13 ticket.

14 Something, "is your responsibility."

15 Something about "your insurance card."

16 "Three current, not my" something "all part.

17 Love, Mom."

18 Q. I don't think I have any other questions for
19 Lieutenant Smith.

20 Is there something else I could have asked?

21 A. Well, to -- should I make a reference regarding
22 this?

23 Q. Sure.

24 A. Uh, I do remember during the search warrant, when
25 we found these documents, um --

Patrick Smith

1 Q. And this is the document about the trial?

2 A. This is -- yeah, the document about the trial.

3 Um, and I think it was Bruce commented something
4 that they were writing a book about the incident, and this
5 was one of the pages from that book that they were writing.
6 This is a book that he intended on having published some day.

7 MR. FRASIER: All right. I don't think I have
8 any other questions for the lieutenant. Does the grand jury
9 want to ask him anything?

10 Oh. I know. I got one other question. I
11 forgot.

12 BY MR. FRASIER:

13 Q. Part of this case involved the McGuffins claiming
14 that Alicia Michaud knew something about this case?

15 A. Yes, sir.

16 Q. And there was a letter, supposedly that Alicia
17 had written to Nick McGuffin, and that they eventually at
18 some point in time turned over, at least to the sheriff's
19 office?

20 A. Yes, sir.

21 Q. Does that appear to be a copy of that letter?

22 A. That's it.

23 MR. FRASIER: Okay. I don't think I have
24 anything else to ask you.

25 Grand jury want to ask him anything?

Kris Karcher

1 GRAND JUROR: Well, I -- it may be -- maybe
2 about -- no.

3 MR. FRASIER: Okay.

4 GRAND JUROR: I'll ask you later.

5 **TESTIMONY OF KRIS KARCHER**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. First of all, this is the grand jury for Coos
9 County, and we're looking into the death of Leah Freeman.

10 A. Mm-hmm.

11 Q. And it's obvious, but I have a recorder going --

12 A. Yes.

13 Q. -- recording you.

14 A. Mm-hmm.

15 Q. And first of all, could you tell us who you are
16 and what your occupation is.

17 A. My name is Kris Karcher. I am a forensic nurse
18 for the county and I'm the chief deputy medical examiner.

19 Q. How long have you been the chief deputy medical
20 examiner?

21 A. Um, the day after we found Leah was the very
22 first day as the chief deputy medical examiner. Up to that
23 point I had been, um, part-time.

24 (Pause.) So about 11 years? What is -- what is
25 it? 11 years?

Brent Bartley

1 THE WITNESS: I can't tell you that. I can't
2 tell you that. Not -- not with a for-certain answer, no.

3 MR. FRAZIER: Okay. Anybody else? Any other
4 questions? I'm sure she wants to go back to work.
5 (Laughter.)

6 THE WITNESS: I took PTO to be here. This is my,
7 quote/unquote, day off.

8 GRAND JUROR: Thank you very much.

9 GRAND JUROR: All right. Go enjoy it.

10 THE WITNESS: Yeah.

11 MR. FRAZIER: All right. Thank you.

12 **TESTIMONY OF BRENT BARTLEY**

13 (Witness sworn.)

14 BY MR. FRAZIER:

15 Q. First of all, sir, I just want to let you know,
16 this is the grand jury for Coos County, and we're looking
17 into the disappearance of Leah Freeman, and her death. Okay?
18 It's obvious, but I've turned some recorders on, so recording
19 what happens here today. Okay?

20 A. Yes.

21 Q. All right. First of all, could you tell us your
22 name, sir, and where do you live?

23 A. I'm Brent Bartley. I live at 275 North Broadway,
24 Apartment 301, Coos Bay, Oregon.

25 Q. How old are you, sir?

Brent Bartley

1 A. 30.

2 Q. Do you grow up here in the Coquille area?

3 A. Yes, born and raised in Coquille.

4 Q. Went to high school here?

5 A. Yes.

6 Q. Graduated?

7 A. Yes.

8 Q. What year did you graduate?

9 A. '98.

10 Q. Do you know an individual named Nick McGuffin?

11 A. Yes.

12 Q. And how did you know Nick?

13 A. Through I went to school with his brother, and
14 that's how I met him.

15 Q. And that would be Wayne?

16 A. Yeah, Wayne McGuffin.

17 Q. How well would you say you knew or you know Nick?

18 A. Pretty good.

19 Q. Did you guys hang out a lot?

20 A. Yeah. It started out I was hanging out with his
21 brother, mostly. And then he was always the tag-along little
22 brother, and then we both had girlfriends, and then started
23 hanging out more, and then -- stuff like that. And then I
24 got a DUII in '98, and he still had a driver's license, so
25 getting rides and stuff.

Brent Bartley

1 Q. You've had some problems with alcohol, right?

2 A. Yes.

3 Q. And you've been sober, I've been told here, for
4 how long?

5 A. 127 days.

6 Q. And I want to congratulate you for that.

7 A. Thank you.

8 Q. That's very good, and I hope you do well.

9 Did you know Leah Freeman?

10 A. Yes.

11 Q. How well did you know Leah?

12 A. Just through Nick, and Nick bringing her over to
13 the house, and just that way.

14 Q. You knew Nick and Leah were boyfriend-girlfriend?

15 A. Yes.

16 Q. How well did they get along, from what you could
17 tell?

18 A. They had their arguments, just like every couple,
19 off and on. And sometimes they would -- they would be
20 getting along fine, and sometimes not.

21 Q. Did you ever see either one of them raise a hand
22 towards each other?

23 A. No.

24 Q. Well, I want to talk about the day that Leah
25 disappeared. That would have been June 28th of 2000.

Brent Bartley

1 Do you remember much about that day, at this
2 point?

3 A. To a point.

4 Q. Okay.

5 A. I was drinking that day.

6 Q. Well, to the best of your recollection, could you
7 start off what you remember you doing that day. How did the
8 day start off? You know, when did you get up, and -- you
9 know, if you can.

10 A. Oh, I don't know what time I got up. I could not
11 tell you.

12 Q. Okay.

13 A. But I know it's probably smoked pot early in the
14 morning, and I don't know if I drank, I cannot remember. But
15 I know we were going to go out to my grandparents' house,
16 is -- it was supposed to be me and my girlfriend and him and
17 his girlfriend, just to get out of my house because it was a
18 party house, and mostly guys there, and don't really want to
19 have your girlfriend around a bunch of people all the time,
20 especially guys.

21 Q. Who was your girlfriend?

22 A. Nicole Price.

23 Q. Okay. Go ahead.

24 A. And then he came over with Leah, I don't know
25 exactly what time. Early afternoon. And then we went out

Brent Bartley

1 there, Nick and I and Leah, and went out there.

2 And then we decided that we wanted to cook
3 something, so we went to -- me and Nick went to McKay's and
4 got steaks, and I got orange juice because my grandparents
5 have a nice liquor cabinet, and I was raiding their liquor
6 cabinet. And we cooked steaks, and then we were supposed to
7 go pick up Nicky, and then Leah wanted to go for a walk with
8 her friend. And so me and Nick went and -- and Leah, dropped
9 off Leah at her friend's house, and then went and picked up
10 Nicky, I'm thinking around like 6:00 or 7:00.

11 Maybe not that late. I don't know exactly, like
12 I'm saying. I don't wear a watch. I don't know exact times.

13 And then we went back to my grandparents' house.
14 It was me and Nicky and Nick, and then Nick wasn't -- didn't
15 really want to just hang out with us two, and so he left.
16 And then me and Nicky sat there and watched TV and did --
17 made out, did the typical boyfriend-girlfriend stuff. And
18 then, I want to say that he came back twice, but I'm not a
19 hundred percent sure on that, before the third time that he
20 actually picked us up. And roughly around -- between like
21 10:30 and 11:00.

22 And then we drove and dropped off Nicky. He was
23 already saying -- the first two times that he came there, he
24 was saying -- asked us if we'd seen or heard from her. And
25 since I wasn't supposed to be at my grandparents' house

Brent Bartley

1 because they were out of town, that I didn't answer the
2 phone. I went and -- just because I didn't want to get
3 caught there. I wasn't supposed to be there, period.

4 And then -- and I told him no both times. And he
5 just looked kind of worried, and I didn't think nothing about
6 it, and then we dropped off my girlfriend, like I was saying,
7 between 10:30, 11:00. Maybe a little after 11:00, I'm not a
8 hundred percent sure of time on that either.

9 And then me and Nick drove around town and he was
10 just looking like up and down the streets, worried, couldn't
11 find her. And then I remember pretty -- time is sort of just
12 fuzzy in my mind, because I was drinking. And I remember
13 stopping at the high school because he said that she usually
14 like to go to get away, go out to the football field and just
15 sit in the grandstands and think. And then I remember we
16 drove by Sanford Heights, where she was living with her mom
17 and her grandma, I believe so. And he was saying, Oh, the
18 light's not on, she's not there.

19 And so we didn't even stop there. And then we
20 went to the -- that park up Sanford Heights, and he got out
21 and went and looked in the park, and I didn't, because I was
22 in a knee brace. I wasn't that mobile. And then I don't
23 know exactly where else we drove around or anything like
24 that, but then I see Richard Bryant and he had marijuana, and
25 I was a pot-head, and so I got out with him and went home.

Brent Bartley

1 Q. Let's back up a little bit. I want to go over
2 with you what you've said here in a little more detail. Is
3 that okay with you?

4 A. Yes.

5 Q. All right. Now, you did a handwritten statement
6 for the police back in 2000?

7 A. Yes.

8 Q. Let me see if I can find that real quick here. I
9 think that's it right there, if I can get to it.

10 Does that look like a copy of what you wrote out
11 there?

12 A. Yes.

13 Q. And you wrote out some little times there on the
14 sheet when you filled that out. Is that right?

15 A. Yes.

16 Q. And those were the times that you basically --
17 were the best of your recollection at the time back in 2000,
18 is that right?

19 A. Yes.

20 Q. Now, you put down there at four o'clock that Nick
21 and Leah came over to your place. Is that right?

22 A. Yes. I put it down on here.

23 Q. And the latter part there, We were smoking pot,
24 do you recall that, people smoking pot?

25 A. Yeah. We probably smoked pot, because I always

Brent Bartley

1 smoked pot. (Laughs.)

2 Q. Right. Well, let me ask you this question.

3 Was Leah smoking pot that night?

4 A. I cannot recall.

5 Q. Okay. Have you ever seen Leah smoke pot?

6 A. Yes.

7 Q. With Nicholas?

8 A. Yes.

9 Q. And how often? Well, I mean --

10 A. She didn't smoke pot ever -- like we did. Not
11 every day, all day long. But every once in a while.

12 Q. All right. You ever see her drink, alcohol?

13 A. I don't recall. She might have, but I don't
14 think so.

15 Q. Okay.

16 A. I'm not a hundred percent sure. It's been ten
17 years, so.

18 Q. Right. Well, at any time prior to the -- to --
19 at any time that you've known Nick and Leah, did you ever see
20 Leah drink?

21 A. See, I don't recall.

22 Q. Okay.

23 A. No.

24 Q. All right. You go up to your grandparents'
25 place. That's the Haga place. Is that right?

Brent Bartley

1 A. Yes.

2 Q. And you -- according to your statement, you get
3 there around 6:00. Does that sound about right?

4 A. It's maybe a little earlier.

5 Q. Okay.

6 A. Like I was saying, I don't wear a watch. I
7 don't -- back then I didn't have a cell phone, so I didn't
8 keep track of time.

9 Q. Now, you guys go down to the market, you get some
10 stuff to barbecue. Is that what you're going to do? Or --

11 A. Yes.

12 Q. Okay. And you come back, and then Leah wants to
13 go be with Sherry Mitchell (phonetic). Is that right?

14 A. Yes.

15 Q. So you drive with Nick and Leah, and you go to
16 the Mitchell place?

17 A. Yes.

18 Q. And seven o'clock seem about the right time when
19 you get there?

20 A. Yeah. Roughly, yes. Somewhere around there.
21 Because we picked up Nicky right after we dropped her off.

22 Q. All right. And then you drove back up to the
23 Haga place?

24 A. Yes.

25 Q. And Nick's there for 10 or 15 minutes, and he

Brent Bartley

1 doesn't want to hang around with you and your girlfriend.

2 Does that sound about right?

3 A. Yes.

4 Q. So he leaves?

5 A. Yes.

6 Q. And you've got no idea what -- you don't know
7 where he went during that time frame?

8 A. No, just what I heard from other people, but --
9 no.

10 Q. And so then it's like a couple of hours later
11 that he comes back?

12 A. Yes.

13 Q. And he asked if Leah was there?

14 A. Yes, if we'd seen her or heard from her.

15 Q. Had you seen Leah after she was dropped off at
16 Sherry Mitchell's?

17 A. No.

18 Q. You then -- does Nick leave and then come back
19 again? Is that (indiscernible)?

20 A. I'm not -- it's a little fuzzy there. I'm not a
21 hundred percent sure, but I think he did. It's just in my
22 mind, I'm just -- I've been thinking about this for a long
23 time.

24 Q. Right.

25 A. And I think he came back one more time, and then

Brent Bartley

1 left again, and then came back and picked us up. I think he
2 did show up two times looking for her, but I'm not a hundred
3 percent sure on that.

4 Q. So the second time he picks you up, that's a
5 little later in the evening?

6 A. Yeah.

7 Q. And you take Nicky home. Is that what you do?

8 A. Yes.

9 Q. And then you and Nick drive around for a period
10 of time looking for Leah?

11 A. Yes.

12 Q. I think you put in your handwritten statement
13 there it was around 11:30 or so, that you dropped off Nicole?
14 Does that sound about right?

15 Maybe I got it wrong.

16 A. I can't see the times. That's a seven, right?

17 Q. Okay.

18 Actually, it got cut off, but that's -- how long
19 did you stay with Nick, looking for Leah?

20 A. I don't know the approximately time. I don't
21 have a clue. What I'm understanding is that it wasn't that
22 long, maybe a half an hour, hour, if that.

23 Q. Do you recall ever going to Denny's Pizza with
24 Nick?

25 A. I think we stopped by there. I'm not a hundred

Brent Bartley

1 percent sure on that either, because I was intoxicated. And
2 just for you guys, that I drank to get drunk. I didn't drink
3 to ease -- or to -- just to mellow out. I drank to drink. I
4 was a drinker.

5 GRAND JUROR: Can I -- what car were you in?

6 THE WITNESS: You've pick -- that's what I was
7 trying to think too. I'm like 30 percent sure that he
8 switched rigs. He drove -- dropped us off in the Mustang,
9 and I think he picked us up in the T-bird. But I've been
10 thinking about that too. I'm not a hundred percent sure on
11 that. I'm like 30 to 50 percent that it was a different rig.

12 BY MR. FRAZIER:

13 Q. And you were -- because you didn't have a
14 driver's license, you were dependent on Nick to drive you
15 around at this point?

16 A. Yeah. Anybody I could get a ride from.

17 Q. All right. Do you know a guy named Damon Mason?

18 A. Yes.

19 Q. Do you recall being with Damon a day or two after
20 Leah disappeared?

21 A. Kind of. Not really.

22 Q. Do you recall being -- driving by Fast Mart and
23 seeing a police officer?

24 A. I -- people told me that. Since -- well, just
25 recently. And I don't remember it, but I know what this is

Brent Bartley

1 coming to, about what I said that I had something to do with
2 it. And I'm thinking I just was getting harassed by the cops
3 so much, because I did get harassed by Reaves an awful lot,
4 and I was being questioned, is what I should have said. But
5 I'm no speech major, or nothing like that. It just came out
6 wrong.

7 Q. I guess another thing I want to ask you is that
8 we've had a witness testify that someone matching your
9 description was with another male and a blonde-haired female
10 up on Fairview Mountain that night about a little after
11 midnight or so. Were you on Fairview Mountain that night?

12 A. Hmm, no, sir.

13 Q. Do you know a guy named Doobie Marbut?

14 A. No.

15 Q. Do you know Dustin Graham?

16 A. Yes.

17 Q. Have you ever been around Dustin's apartment with
18 other guys there?

19 A. Which one of his apartments?

20 Q. Well --

21 A. The one up above The Broiler, or --

22 Q. Uh, the one, I think, on Dean Street. I'm not
23 sure.

24 A. Oh, yeah. Yes. Because that -- we lived right
25 by him.

Brent Bartley

1 Q. There's a guy named Doobie Marbut, and we're
2 trying to track him down, all right? But he's talked to the
3 police and I'm trying to track him down and bring him in here
4 for this, okay?

5 A. I might have met him with Dus -- over at
6 Dustin's, but I -- I'm so bad with names, I could -- if I
7 seen his face I could maybe say it, but I can't remember
8 names.

9 Q. I'm trying to --

10 A. Too many years of smoking pot.

11 Q. All right. Mr. Marbut, when he was interviewed
12 by the police some time ago, he indicated that he had a
13 conversation with you, and that you told him the following,
14 okay? So I want to go over this with you.

15 He said that you told him that some husband had
16 been ripped off for \$5,000, that Leah and Nick had spent the
17 money. The guy was upset and wanted his money back. That
18 Nick and Leah were someplace, and Nick set it up so Leah was
19 going to take the blame for the \$5,000 being gone. She was
20 mad about it. That wherever they were, she left Nick with --
21 walking, and then five people went in a car looking for her.

22 And according to this Doobie Marbut guy, he says
23 that you, Ricky Crook, Nick, Alicia Michaud, and Bill Sero
24 were all in the car. That you accidentally ran over Leah,
25 put her in the trunk, drove her out to the Fairview area by a

Brent Bartley

1 rock pile, but when you got there she was still alive. And
2 that you beat her to death and put her -- and dumped her
3 body. Okay?

4 A. (Laughs.)

5 Q. All right. My first question is do you recall
6 ever telling anybody that story?

7 A. No.

8 Q. All right. Is that story true in any way, shape,
9 or form?

10 A. No.

11 Q. Well, what I want to --

12 A. First time I heard that. (Laughs.)

13 Q. Do you know Bill Sero?

14 A. No.

15 Q. Tom Stemmerman?

16 A. Mm, no. I've heard of him. I don't really know
17 who he is. I might have met him once, but I wasn't running
18 around with that kind of crowd.

19 Q. Alicia Michaud?

20 A. Yeah, I know who she is.

21 Q. I'm sure you've heard a rumor floating around
22 town that Bill Sero or Tom Stemmerman or Alicia Michaud ran
23 over Leah with a car. Have you heard that rumor?

24 A. Yes.

25 Q. Has Bill Sero ever told you that he drove or that

Brent Bartley

1 he killed or hurt Leah Freeman?

2 A. No.

3 Q. Has Tom Stemmerman ever told you that?

4 A. No.

5 Q. Alicia Michaud?

6 A. No.

7 Q. Have you ever -- were you ever -- well, were you
8 involved in Leah's death in any way?

9 A. No.

10 Q. Were you in a car that might have run over or hit
11 Leah?

12 A. No.

13 Q. Let me back up and ask you a few more questions.
14 I know you talked to the police here the other day.

15 Nick had a blue Mustang. Is that right?

16 A. Yes.

17 Q. Was he kind of proud of that car?

18 A. Yes.

19 Q. How did he treat the interior of the car?

20 A. Good. He was a neat freak. He was keeping it
21 clean.

22 Q. What about his trunk?

23 A. Base -- I've seen it. I've -- usually it was
24 full of crap that he didn't like having in the front seat.

25 Q. And the police put down on some notes they gave

Brent Bartley

1 me that you said neat -- Nick was a neat freak about the
2 front of the car --

3 A. Yeah.

4 Q. -- and threw everything into the trunk?

5 A. Yeah.

6 Q. Did that trunk change after Leah disappeared?

7 A. I -- yeah.

8 Q. And what did you see?

9 A. Nothing.

10 Q. What do you mean, nothing?

11 A. Nothing was in there.

12 Q. Okay. The trunk was empty?

13 A. No car -- no liner, nothing.

14 Q. All right. Did Nick tell you that he and Leah
15 had cleaned the car earlier the day that Leah had gone
16 missing?

17 A. Yes.

18 Q. How about Kristen Steinhoff? Do you know Kristen
19 Steinhoff?

20 A. Yes.

21 Q. On -- do you recall Nick talking to Kristen on
22 the evening in question? On the evening Leah died -- or
23 disappeared?

24 A. Yeah. I think we stopped by there. I'm not a
25 hundred percent sure, but I think we stopped by there, and I

Brent Bartley

1 told them that I got out. But I can't remember if I actually
2 got out. I just remember in my mind that I've been to that
3 house -- I was in that house once. And I can't remember if
4 it was that night or not.

5 Q. And the -- you told the police that you recall
6 Nick going in to the back room with Kristen and having a
7 conversation?

8 A. Yeah. And that's what I was going -- recall
9 that, because I can't remember if I went over there with
10 Nick. I know I've been in that house. I -- that's all I can
11 really remember, but I've only been in it once because I knew
12 it was a bad crack house and stuff. And I wasn't into meth.
13 And I did my fair share of little tests, playing with it here
14 and there, but I didn't like any of that environment because
15 if I would have got caught with it or on it my family would
16 disown me.

17 Q. Now, you did drive by Leah's house at least once.
18 Is that right?

19 A. Yes --

20 Q. And did Nick get out of the car, go up to the
21 door, knock on the door and say, "Hey, is Leah here?"

22 A. No. I remember him just saying the light wasn't
23 on. We slowed down by it, and he looked up to I guess where
24 her bedroom was, but -- where her bedroom was, because I did
25 go up there once with Nick, before that. Or up with Nick and

Brent Bartley

1 Leah, I should say.

2 Q. And the light was off, and so didn't -- he said
3 she wasn't there, so you didn't get out and check the house
4 of anything like that?

5 A. Yes, that's right.

6 Q. Now, the next night, June 29th, did you go back
7 up to your grandparents' house in the 29th?

8 A. Yes.

9 Q. And did you have some friends up there and have a
10 little bit of a party?

11 A. Yes.

12 Q. Was there beer-drinking?

13 A. Yes.

14 Q. Was there a beer bong there that night, that you
15 recall?

16 A. Probably.

17 Q. Okay. Your mom came up the next day and found
18 you and a couple of kids passed out?

19 A. Yes.

20 Q. And your mom wasn't real happy about that, was
21 she?

22 A. No. (Laughs.)

23 Q. Now, on the 30th, did you talk to the police?
24 The day after your all -- the party on the 29th of -- well,
25 you talked to the police, right?

Brent Bartley

1 A. I can't remember -- I thought I went with Mya
2 (phonetic) down to the Rogue for a couple of days, because I
3 can recall getting back home from the Rogue and my mom
4 calling me, freaking out, saying that they still haven't
5 found her and the cops are looking for me.

6 And then I went down to there, and then I got
7 harassed by Reaves and all that other crap.

8 Q. The police apparently have, on the morning of the
9 29th -- well, excuse me, on the morning of the 30th,
10 apparently after your mom had come and wake -- woke everybody
11 up and kicked you all out, went up and looked over the place,
12 and they said they were out there and they saw like a -- a
13 T-shirt or whatever, that looked like it was soaked in beer,
14 and there were beer cans and a beer bong, and stuff like
15 that.

16 And then later -- they didn't think anything
17 about it, and left the stuff there. And then they came back
18 later in the afternoon after they talked to Nick, and they
19 went back up to look, and all the stuff had been cleaned up?

20 A. Yeah.

21 Q. Do you know anything about it being cleaned up?

22 A. Yeah. Me and Mya picked it all up and threw it
23 in his car, because it was Mya's -- we called them
24 wife-beaters, just a white tank-top.

25 Q. Okay. So that shirt belonged to Mya Stokes

Brent Bartley

1 (phonetic); is that what --

2 A. Yes.

3 Q. And the beer cans and all the other stuff you got
4 rid of?

5 A. Yeah. We cleaned it up --

6 Q. How close are you to Nick right now?

7 A. I haven't talked to him in years. Well, I talked
8 to him, 2008, when I got out of Bay Area First Step, he
9 actually called me. And then when I was at -- yeah, Bay Area
10 First Step House, and he called me and invited me over for
11 dinner. And I just talked to him, but -- about that -- it,
12 and he was just checking on me because I tried committing
13 suicide.

14 And then I went to Hazelden Springbrook, and then
15 I went to the Step House after that. And then he just called
16 and invited me over for dinner, and that was the last time I
17 talked to him.

18 Q. Since Leah disappeared, has Nick talked to you
19 about Leah?

20 A. No.

21 Q. I think I've asked you this. Do you know who
22 killed Leah Freeman?

23 A. No.

24 Q. Do you have any information, any other
25 information we haven't talked about here today, that you

Brent Bartley

1 think the grand jury needs to know about?

2 A. No. Just about the car thing. That I don't --
3 I'm not a hundred percent sure, but on -- in my mind, I'm
4 thinking it was the T-bird. It was a different car. But
5 like I'm saying, I'm not a hundred percent sure on that.

6 MR. FRAZIER: I don't think I have anything else
7 to ask Mr. Bartley. The grand jury want to ask him anything?

8 GRAND JUROR: Did you ever ask Nick about the
9 trunk and why it was ripped apart?

10 THE WITNESS: No.

11 GRAND JUROR: Well, did it have a liner in it, to
12 your knowledge, before?

13 THE WITNESS: I'm thinking it did.

14 GRAND JUROR: You said that you -- did you say
15 that you were riding around with Nick and then you got out
16 and met somebody that wanted to smoke pot with you, and then
17 that's when you separated from Nick?

18 THE WITNESS: Yes.

19 GRAND JUROR: Who was that, that you --

20 THE WITNESS: Richard Bryant. I seen him down
21 here at the stop light right below the middle school.

22 GRAND JUROR: And what time was that, do you
23 know?

24 THE WITNESS: I don't know exactly what time.

25 GRAND JUROR: Could you say if when they cleaned

Brent Bartley

1 the trunk out -- when they washed the car that day and
2 cleaned it, could they have cleaned the trunk out then? All
3 the stuff out of the trunk?

4 THE WITNESS: I could not tell you. I don't -- I
5 didn't look in his trunk or --

6 GRAND JUROR: Did -- thank you.

7 Do you know this Doobie Martin, I guess that
8 you --

9 MR. FRAZIER: Marbut.

10 GRAND JUROR: What?

11 MR. FRAZIER: Marbut.

12 GRAND JUROR: Marmont?

13 MR. FRAZIER: Marbut, M-a-r-b-u-t.

14 GRAND JUROR: Marbut, okay.

15 THE WITNESS: What a name. (Laughs.)

16 GRAND JUROR: Um, do you know what kind of
17 vehicle -- did he have a vehicle?

18 THE WITNESS: I don't know.

19 GRAND JUROR: Okay. Or a Rowdy Howard?

20 THE WITNESS: I --

21 GRAND JUROR: Doesn't ring a bell?

22 THE WITNESS: I met Rowdy before, in jail, but --

23 GRAND JUROR: Mm-hmm. You don't know what kind
24 of vehicle he had?

25 THE WITNESS: No.

Brent Bartley

1 MR. FRAZIER: Had you ever seen Nick driving his
2 mom's truck?

3 THE WITNESS: Yeah. Are you talking about that
4 day? Or just has he ever driven it, period?

5 GRAND JUROR: That day or anytime?

6 THE WITNESS: Yeah, I've seen him drive his mom's
7 truck before, yeah.

8 GRAND JUROR: Did he that day?

9 THE WITNESS: Not that I know of.

10 GRAND JUROR: Could it have been that truck,
11 then?

12 THE WITNESS: I don't know. I don't know what
13 the truck looked like that she saw, so I couldn't tell you.
14 I don't know.

15 GRAND JUROR: So his mom had a T-bird and a
16 truck?

17 THE WITNESS: I think the T-bird -- I can't
18 remember if the T-bird was his mom's first, and then they
19 gave it to him, but it was a maroon '80-something T-bird.

20 GRAND JUROR: Okay.

21 MR. FRAZIER: Okay. Anything else?

22 GRAND JUROR: Not as bad as last time, right?

23 THE WITNESS: Oh, a lot better. (Laughs.)

24 MR. FRAZIER: Mind a little clearer?

25 THE WITNESS: Yeah.

Brent Bartley

1 MR. FRAZIER: Well, again, I want to commend you
2 for your sobriety, and that's great, and I hope you continue
3 with what you're doing.

4 THE WITNESS: I'm planning on it. I leave this
5 here?

6 MR. FRAZIER: Yes. That would be nice. Okay.

7 THE WITNESS: Okay. Thank you guys.

8 (Conclusion of CD 046.)
9

10 --oOo--
11

12 I certify, by signing below, that the foregoing, pages 1
13 through 121, inclusive, is a correct transcript of a Coos
14 County grand jury proceedings dated July 23, 2010, and
15 transcribed this 5th day of November, 2010.
16

17 _____
18 PEGGY S. JILLSON, TRANSCRIBER
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Michael Baumer

1 Q. All right. And is there any other information,
2 stuff I haven't asked you about, that you think the grand
3 jury needs to know about this case?

4 A. Um, I'm trying to think. I'm mean well. I -- I
5 just can't think anything. I can't. I want to be as helpful
6 as I can.

7 MR. FRAZIER: Grand jury wants to ask her
8 anything?

9 GRAND JUROR: Was there any -- anything that
10 struck you odd up at where your boyfriend stayed with Brent,
11 anything after the disappearance that went on there?
12 Conversations that --

13 THE WITNESS: Not at all. Not at all. I was --
14 as a matter of fact, I guess the one thing I could say that I
15 think would be helpful is that I knew Brent Bartley's name's
16 in this. I'm 100 percent confident that if Brent Bartley
17 knew anything he would have told me. We were that close, and
18 he -- I was his confidante. So -- and no, there were never
19 conversations about that.

20 MR. FRAZIER: Any other questions?

21 All right. That will do it.

22 THE WITNESS: All right. Thank you.

23 MR. FRAZIER: You're free to go.

24 THE WITNESS: Thank you.

25 **TESTIMONY OF MICHAEL BAUMER**

Michael Baumer

(Witness sworn.)

BY MR. FRAZIER:

Q. First of all, sir, this is the grand jury for Coos County, and we're looking into the disappearance of Leah Freeman, the death of Leah Freeman.

First of all, it's kind of obvious, but I do need to tell you we are recording these proceedings here today. Okay?

A. Okay.

Q. First of all, could you tell us your name, please, and where you live, sir.

A. My name is Michael Baumer, and I live here in Coquille.

Q. How long have you lived in Coquille, sir?

A. Uh, about 20 years.

Q. Do you know an individual named Nick McGuffin?

A. Yes.

Q. How do you know Mr. McGuffin?

A. Well, when we were little kids, him and I were like best friends, went to grade school together, and then -- so I've pretty much known him most of my life.

Q. Okay. How well would you say you know him? How close would you say you are?

A. Currently?

Q. Well, yeah, currently; let's talk about that.

Michael Baumer

1 A. We've drifted apart. I don't really hardly know
2 him at all anymore.

3 Q. When you were growing up, how close would you say
4 you were?

5 A. Pretty close, really. Pretty close.

6 Q. Did you go to high school together?

7 A. No. I went to Myrtle Point, he went to Coquille.

8 Q. Do you know other members of the McGuffin family?

9 A. Just his parents and his brother.

10 Q. Okay. That would be Wayne, is his brother?

11 A. Yes, sir.

12 Q. How well would you -- or how close would you say
13 you are to Wayne?

14 A. Not even. I don't really even know the guy.

15 Q. And Mr. and Mrs. McGuffin?

16 A. Again, when I was -- when I was a child I knew
17 them pretty well, but since I've grown up, I've drifted apart
18 from that family. I don't really know them at all.

19 Q. Okay. Were you -- did you know Leah Freeman?

20 A. Hmm-mm. Not at all.

21 Q. Not at all? At any time did -- well, did you
22 know that Nick and Leah were boyfriend-girlfriend?

23 A. Not until after she disappeared and I read it in
24 the newspaper.

25 Q. Well, one of the things I want to talk with you

Michael Baumer

1 about here today, sir, is according to Mr. and Mrs. McGuffin,
2 they claim that an individual named Josh, and I believe his
3 last name is Walman (phonetic).

4 A. Mm-hmm.

5 Q. Josh Walman. They claim you told Josh Walman
6 that a person who you would not identify confessed to you
7 that this person, whoever this person was, was one of five
8 people that killed Leah Freeman, and that there was a pact
9 between the five not to tell people what happened.

10 A. I wouldn't ident -- I heard this from Robert
11 Hall -- Officer Hall, that was originally in charge of the
12 investigation. That's who told me that story.

13 I've always given up that kid's name.

14 Q. Okay. Well, then let's back up. Okay. So the
15 person you -- first of all, was there a person that told you
16 that they were part of it?

17 A. They were not part of it, they heard from
18 somebody -- he alleged that somebody in the car of the night
19 that this all happened told him this story that I then told
20 Mr. Walman, and he said -- he told me that story as if this
21 person was in the car, they knew all about it, and were
22 scared to -- just scared to talk.

23 Q. Right. Now, the person that told you this is
24 Robert Hall?

25 A. Mm-hmm.

Michael Baumer

1 Q. And Robert is the son of David Hall?

2 A. Mm-hmm.

3 Q. Okay? Yes or no for the recording.

4 A. Oh, sorry, yes.

5 Q. And so it's your testimony that Robert Hall told
6 you that -- well, did he name -- did Robert Hall tell you the
7 names of people that were supposedly in this car?

8 A. Yes.

9 Q. And who -- what did he tell you about who was in
10 this car?

11 A. Um, there was a girl named Kristen Steinhoff in
12 the car. There was a kid named Brent Bartley in the car.
13 And I can't remember the rest of the names anymore, and that,
14 but -- so I don't know what else to tell you there.

15 Q. Was Nick mentioned as being the car?

16 A. No. Not at all.

17 Q. Was a girl named Darla mentioned?

18 A. Yes. I -- I believe Darla's the girl that
19 actually told Robert Hall the story.

20 Q. Okay. And when did Robert Hall tell you this?

21 A. Uh, I would say approximately nine years ago.

22 Q. And did Robert Hall tell you why he -- if he had
23 told his dad about this?

24 A. He told me that he had not told his dad, and that
25 this is information that his dad should have, but he didn't

Michael Baumer

1 want to say anything because the girl that he had talked to
2 and him were very close. They were very good friends, and he
3 feared for her safety.

4 Q. The -- we had Robert Hall in the grand jury here
5 Wednesday, and I asked him specifically about him telling
6 anyone about the -- what you've just told us here today. And
7 he has -- he denied that he had told anybody that story, and
8 didn't have any information whatsoever about this situation.

9 I guess my question is, how certain are you, sir,
10 that Robert Hall told you this?

11 A. Oh, I'm dead positive. I know he told me this.

12 Q. Was there anybody else there with you?

13 A. Huh-uh. It was him and I, we were hanging out.
14 We were friends.

15 Q. All right. Okay. At this point, I don't think I
16 have any other questions.

17 Well, let me ask you this. Mr. Baumer, outside
18 of what you told us here today, do you have any information
19 as to who killed Leah Freeman?

20 A. Nope. I just know that story that I was told by
21 Robert Hall. That's all I know.

22 Q. And is there anything else you think the grand
23 jury needs to know about this case?

24 A. I don't think I have any information that
25 would -- no. So, no, I don't know.

Michael Baumer

1 MR. FRAZIER: All right. Does the grand jury
2 want to ask him any questions?

3 GRAND JUROR: Yeah. I'm -- I just want to make
4 sure I got this clear. Darla supposedly told Robert about
5 this car situation?

6 THE WITNESS: Mm-hmm.

7 GRAND JUROR: What exactly did she supposedly
8 tell Robert? What did Robert tell you?

9 THE WITNESS: The story that I heard was that
10 this girl Darla was in the back seat of the car and there was
11 a couple of other -- this girl Kristen Steinhoff was in the
12 back seat of this car, and there was somebody else that I
13 can't remember. And there was a fellow driving, and I can't
14 remember his name, and Brent Bartley was in the front
15 passenger seat. And they had left this party and they had
16 been drinking excessively and doing other drugs, and they
17 were all messed up. And they took off driving down the road
18 to go home, and they accidentally hit this girl. And they
19 freaked out, went into panic mode, and stuffed her in the
20 trunk of a car that they were all in, and drove her out
21 towards Fairview and threw her over a bank somewhere.

22 And that she was scared to talk because she --
23 they were -- it was under threats, allegedly, that they would
24 kill her or they would all turn on her and say she was the
25 one who did it, and all these other little things like that

Michael Baumer

1 that go on.

2 GRAND JUROR: And how long after the -- she went
3 missing was -- did you hear this story?

4 THE WITNESS: I don't -- I don't think it was a
5 full year, but pretty close to a year. Maybe more like eight
6 months, might be pretty accurate.

7 Trying to think, because I had just graduated
8 high school when she disappeared, and then I was here for the
9 rest of that summer and then started college in Eugene. And
10 then -- then I decided -- I came back. After that college
11 year was over, I came back. I was there that summer, so that
12 was -- I guess that was a year there. So I guess I was -- I
13 guess it would be more like 18 months later, I guess that
14 would be more accurate.

15 GRAND JUROR: Okay. Do you know what kind of car
16 they were in?

17 THE WITNESS: No clue.

18 GRAND JUROR: Did Robert -- from -- you're
19 pretty -- I mean, you saw him. You're absolutely sure Robert
20 had told you this story?

21 THE WITNESS: Be -- I do know, because he -- when
22 he told me this, I was like -- because I asked him questions
23 at the time. His -- at one point his dad was the lead
24 investigator on this case.

25 GRAND JUROR: Right.

Michael Baumer

1 THE WITNESS: And I had asked him about, you
2 know, Did you say something to your dad? And he was like,
3 Oh, man, I can't get this girl in trouble. I can't do that
4 to her. It's not what you do to your friends.

5 GRAND JUROR: Referring to who, Darla?

6 GRAND JUROR: To Darla?

7 THE WITNESS: Yeah.

8 GRAND JUROR: Okay. Thanks.

9 BY MR. FRAZIER:

10 Q. And when did you tell the police about this?

11 A. When they called me.

12 Q. And when was that?

13 A. It was a couple of weeks after Robert had told me
14 that story, because I had kind of -- Josh Walman's one of my
15 best friends on this planet, and I had told him. And my
16 understanding is, is that his mom heard our conversation, and
17 then she was getting her hair done at one of the salons and
18 had said something about it, and I guess the rumors flew
19 through town. And then boom, I got a call.

20 Q. Do you remember who you talked to?

21 A. The first time?

22 Q. Yeah.

23 A. Huh-uh. I don't remember at all.

24 Q. Is the name Ray Nichols ringing a bell with you?
25 Officer Nichols?

Michael Baumer

1 Do you know who Officer Nichols is?

2 A. Um, kind of know who Officer Nichols is.

3 Q. Does he -- was he the one that talked to you?

4 A. Could have been. I -- I honestly don't know. I
5 don't remember. It's been a long time ago.

6 GRAND JUROR: But after the story got out, then
7 you were called back in to give that story you just gave us
8 to the police?

9 THE WITNESS: Yeah. Then I did -- they didn't
10 even call me in. They just talked to me over the phone. I
11 gave them -- I told them everything I knew at the time.

12 I -- I don't know if you guys have that
13 statement. It probably has all the names on there. I just
14 don't remember anymore, it's been so damn long. But --

15 GRAND JUROR: So somewhere about 18 months to two
16 years after the -- she went missing, you gave a statement --

17 THE WITNESS: Yeah. Somewhere in there.

18 GRAND JUROR: There should be statement, okay.

19 MR. FRAZIER: Okay. Is there any other
20 questions?

21 GRAND JUROR: I wonder why everyone's drifting
22 apart from this Nick character. Everyone we talk to. They
23 know him, but after it happened they're all drifting.

24 MR. FRAZIER: Well, and we can't -- that's
25 something you folks will have to decide. We can't get into

Dustin Graham

1 that, at this point. Well, at least with this witness.

2 Is there any other questions for Mr. Baumer?

3 All right. Thank you, sir. You're free to go.

4 THE WITNESS: Yes.

5 MR. FRAZIER: Have a good day.

6 GRAND JUROR: Thank you.

7 **TESTIMONY OF DUSTIN GRAHAM**

8 (Witness sworn.)

9 BY MR. FRAZIER:

10 Q. First of all, sir, this is the grand jury for
11 Coos County, and we're looking into the disappearance and
12 death of Leah Freeman. Okay?

13 I need to advise you, and it's obvious, but I'm
14 recording everything that's going on in here. Okay?

15 A. Hmm.

16 Q. All right. So when you respond to questions, you
17 need to answer yes/no, if you would, please. And since the
18 air conditioner decided to kick on, it would be nice if you
19 could speak up for us.

20 A. Okay.

21 Q. All right. First of all, could you tell us your
22 name, please, and where you live, sir.

23 A. My name is Dustin Graham. I live at 896 West
24 17th Street here in Coquille.

25 Q. And how long have you lived in Coquille, sir?

S. Shelton

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1 Okay. (Indiscernible.)

2 THE WITNESS: No.

3 MR. FRASIER: Okay.

4 THE WITNESS: Thank you.

5 **TESTIMONY OF SHERRE SHELTON (BOLGER)**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. First of all, this is the grand jury for Coos
9 County, and we're looking into the death of Leah Freeman.

10 A. Okay.

11 Q. And I think it's obvious, but I've got to tell
12 you we're recording the proceedings. Okay?

13 A. Okay.

14 Q. All right. First of all, could you tell us your
15 name, please, and what city you live in.

16 A. My name is Sherre Shelton, and I live in
17 Brookings, Oregon.

18 Q. And you were also known as Sherre Bolger?

19 A. Yes.

20 Q. Did you used to live in the Coquille area?

21 A. I did.

22 Q. How long ago was it you lived here, and for how
23 long?

24 A. Um, let's see. I moved here, I believe it was a
25 month after Leah Freeman's disappearance, (indiscernible)

S. Shelton

1 August area. And then we moved to Brookings in 2003.

2 Q. I want to ask you a few questions now. And when
3 you lived here, were you acquainted with a Benjamin Stoddard?

4 A. Um, Ben had already passed away when I moved
5 here.

6 Q. Okay. So he was already --

7 A. Well, he passed away probably a week after I
8 moved here.

9 Q. And I have here in a report, and I don't know
10 when this was done -- well, it said something about you moved
11 to Coquille to live with Benjamin Stoddard, and that you
12 lived at 895 North Collier.

13 A. Right. We rented the house together. I'm the
14 only one who ended up moving in.

15 Q. Ben died before that occurred?

16 A. No. We had -- we had gotten in a fight and broke
17 up.

18 Q. Oh, you had a fight and broke up.

19 A. And -- yeah.

20 Q. Okay. And then after you broke up, he died?

21 A. Right.

22 Q. All right. And if I recall correctly, he
23 committed suicide. Is --

24 A. Right.

25 Q. All right. To the best of your knowledge, some

S. Shelton

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1 people think he was murdered --

2 A. Right.

3 Q. -- but other people -- and the investigation
4 showed it was a suicide. Is that correct?

5 A. Yeah.

6 Q. Do you know a Kristen Steinhoff?

7 A. Yeah, I met her when I moved here.

8 Q. And how well did you know Kristen?

9 A. Um, I didn't know her very well. I guess back
10 then we got into drugs together, and that's how I met her.

11 Q. Did Kristen stay with you off and on during this
12 time period?

13 A. Yeah.

14 Q. Did you ever get to meet an individual named Nick
15 McGuffin?

16 A. I met him one time.

17 Q. All right. And how did you meet him?

18 A. I had a party at my house.

19 Q. When the air conditioning kicks on, you really
20 got to speak up.

21 A. Okay.

22 Q. All right?

23 Was Kristen Steinhoff there, at the party?

24 A. Yeah, I think off and on.

25 Q. Okay. There's a note here that Ms. Steinhoff was

S. Shelton

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1 messing around with Nick McGuffin during this time period.

2 Do you know anything about that?

3 A. I don't know anything about that.

4 Q. Did you become acquainted with a Tom Stemmerman
5 and a Bill Sero?

6 A. I did.

7 Q. How did you get to know these two?

8 A. I actually met Tom maybe six months or a year
9 before I moved to Coquille. And I -- back then I was using
10 drugs, and that's how I became acquainted with them.

11 Q. Did Tom Stemmerman ever tell you anything about
12 Leah's bloody clothes or stuff being in a bag, or something
13 along that line?

14 A. Not that I remember.

15 Q. Okay. Did Kristen Steinhoff ever tell you that
16 she had a theory about what happened to Leah Freeman?

17 A. Yeah, she told me, and -- and I know she told me
18 a lot of things. I can't remember everything that she told
19 me. But something that I do remember is that she said that
20 Leah was hit by the car, and was still alive, and so they
21 backed over her. And when I say "they," I don't even
22 remember who she told me or if she told me what -- who was in
23 the car.

24 Q. Tom Stemmerman, what type of person was he like?

25 A. He was not a good person. Very shady. Very

S. Shelton

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1 secretive. That -- not a trustworthy person.

2 Q. Did Kristen Steinhoff ever tell you that Leah had
3 been run over and had been put in Tom Stemmerman's attic?

4 A. Yes.

5 Q. Can you tell us what you remember her telling you
6 about that?

7 A. All's I remember is, like I said, that she said
8 that Leah was hit by a car, and that she was still alive so
9 they backed over her. And that -- I know she told me
10 something about a bloody shoe. I don't remember, but they
11 put her in the trunk, and that they locked her in Tom
12 Stemmerman's attic.

13 Q. Here a while back you were interviewed by
14 Detective Looney or Sergeant Looney with the sheriff's office
15 here in Coos County, came down to Brookings and saw you?

16 A. Right.

17 Q. Do you remember talking to Sergeant Looney about
18 Nick doing a lot of pot back then?

19 A. That would have probably been my husband who
20 talked to him.

21 Q. Oh, okay.

22 A. I never had known Nick, but my husband was
23 friends with him.

24 Q. All right. Bill Sero. In -- did Bill Sero ever
25 tell you anything about Leah Freeman's disappearance?

S. Shelton

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1 A. Not that I remember.

2 Q. Did Tom Stemmerman ever tell you anything about
3 Leah Freeman's disappearance?

4 A. Not that I remember. Hmm-mm.

5 Q. I guess the question I have for you is, has
6 anybody ever told you that they killed Leah Freeman?

7 A. No.

8 Q. Do you have any idea who might have killed Leah
9 Freeman?

10 A. I don't. There's a lot of theories that I have,
11 but no, I don't know. Um --

12 Q. The theories you have are based on what --

13 A. Based on everything that Kristen Steinhoff had
14 told me. And at that point in time I contacted the police
15 department here in Coquille ten years ago, and told them what
16 I knew. And so.

17 Q. But getting back to what you know about this,
18 this came to you through rumor, secondhand information, or --

19 A. Right.

20 Q. -- third or fourth?

21 A. Right.

22 Q. You have no direct knowledge, of yourself, as to
23 what happened to Leah Freeman?

24 A. No.

25 Q. Is there anything about this case you think the

N. Holling

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1 grand jury should know, that we haven't talked about with
2 you?

3 A. No. Not -- not that I can think of.

4 MR. FRASIER: Grand jury want to ask her any
5 questions.

6 GRAND JUROR: I mean, I guess I was indicating --
7 did you say Kristen Steinhoff is the one that told you the
8 story about the kidnapping?

9 THE WITNESS: Yeah.

10 MR. FRASIER: Anybody else?

11 Okay. I think that will do it.

12 THE WITNESS: Okay.

13 **TESTIMONY OF NIKKI HOLLING (WEBBER)**

14 (Witness sworn.)

15 BY MR. FRASIER:

16 Q. Okay. First of all, this is the grand jury for
17 Coos County, and we're looking into the death of Leah
18 Freeman. And it's obvious I turned on a recorder, so we're
19 recording the proceedings. I just wanted you to be aware of
20 that.

21 First of all, could you tell us your name and
22 where you live.

23 A. Nikki Holling, and Coos Bay, Oregon.

24 Q. All right. And were you in the past known as
25 Nikki Webber?

Quinn Myers

1 him anything?

2 GRAND JUROR: Yes. One -- in what context did
3 Bill say that? What provoked that statement?

4 THE WITNESS: Um, he was -- he was -- I know he
5 was intoxicated -- I'm pretty sure he was intoxicated. He
6 was -- had his eyes -- he was basically out of it, and he was
7 just mumbling and stuff.

8 And I was kind of shocked, you know. And that's
9 -- I assumed that's what he was talking about, but I can't
10 say -- now, I can't say for sure that's what he was talking
11 about.

12 GRAND JUROR: He was just incoherent and
13 rambling, kind of thing?

14 THE WITNESS: Yeah.

15 GRAND JUROR: How long after -- tell a time
16 frame.

17 THE WITNESS: I wouldn't say quite a year --

18 GRAND JUROR: After the incident?

19 THE WITNESS: Yeah.

20 MR. FRAZIER: Any other questions?

21 Okay, sir. That will do it. You're free to go.

22 THE WITNESS: You guys have a good day.

23 **TESTIMONY OF QUINN MYERS** (Cannon)

24 (Witness sworn.)

25 BY MR. FRAZIER:

Quinn Myers

1 Q. This is the grand jury for Coos County, and we
2 are looking into the death of Leah Freeman. Probably
3 obvious, but I need to tell you we are recording everything.
4 Okay?

5 A. Okay.

6 Q. All right. First of all, could you tell us your
7 name, please, and where you live.

8 A. My name is Quinn Myers. I live here in Coquille.
9 Do you need my address?

10 Q. No, just Coquille is enough.

11 A. Okay. I live here in Coquille. My maiden name
12 was Cannon.

13 Q. All right. And how long have you lived in
14 Coquille?

15 A. I was born here. I moved away for just two years
16 to -- or actually one year in North Bend, and I lived one
17 year in Eugene.

18 Q. Year 2000, were you living here in --

19 A. Coquille?

20 Q. -- Coquille?

21 A. Mm-hmm.

22 Q. And my wife keeps telling me I shouldn't ask
23 women this question, but how old were you in 2000?

24 A. Um, I would have been 19.

25 Q. Were you -- are you familiar with an individual

Quinn Myers

1 named Nick McGuffin?

2 A. I am.

3 Q. And how do you know Mr. McGuffin?

4 A. He was a grade younger than me in school. I went
5 to high school with him. He was my prom date. I'm good
6 friends with his older brother. Back at that time we were
7 all good friends.

8 Q. Okay. And the older brother was Wayne?

9 A. Yes.

10 Q. Prom date. That -- what prom was that?

11 A. Um, I was a Junior so it was the prom of 1998.

12 Q. Okay. How well would you say you know Nick
13 McGuffin?

14 A. Pretty well.

15 Q. As his prom date, did you have -- were you
16 actually in a dating relationship with him?

17 A. No, never. Always just friends, good friends.

18 Q. And so you two decided just to go to the prom
19 together, or --

20 A. Yeah. I was just in -- I wanted to go to the
21 prom, and so I asked him because we were friends, to bring
22 one of my friends.

23 Q. Okay. Did you know Leah Freeman?

24 A. Um, I had met her. I -- I only met her because
25 she was Nick's girlfriend. I was out of high school at that

Quinn Myers

1 time, but still friends with him, and going out to his house
2 one time, and she was there.

3 Q. And Leah was somewhat younger than Nick, wasn't
4 she?

5 A. Yeah. I believe she was a freshman when he was a
6 senior.

7 Q. I was looking at some of the reports, and you
8 kind of thought it odd that Nick was dating a 15-year-old,
9 or --

10 A. You know, growing up in Coquille, it was kind of
11 common for seniors to date freshman.

12 Q. Okay.

13 A. Their maturity levels seemed to match the younger
14 girls. I dated an older boy when I was that age.

15 Q. Did -- would Nick bring Leah to some parties or
16 get-togethers or whatever, in the --

17 A. I was never at one where he did. I had heard of
18 them being at a party together. The only one I could think
19 of was one out in Powers, but I was not there.

20 Q. Did you have an opportunity to observe their
21 relationship? You know, good? Bad? Indifferent?

22 A. Um, the one time I was actually around them
23 together was when I was out at his house visiting, and I
24 think I made a comment about -- they were going to go to
25 prom. And I said, I -- you know, him being my friend, he

Quinn Myers

1 wasn't really much of good date. I had him go to the car in
2 the rain and get the camera and do things like that. And I
3 just said, I hope he's a better prom date for you. And, you
4 know, she just said, Oh, he will be. You know, she was
5 talking it, but really other than that, I was probably around
6 them for an hour, and --

7 Q. Okay. Well, I want to direct your attention to
8 the day that Leah disappeared, and that would have been June
9 28th of 2000. And did you have a job at that time? Were you
10 working?

11 A. I -- I was. I was working at Claire's
12 Accessories, at the North Bend Mall.

13 Q. What time did you normally get off work?

14 A. There were two shifts. There was a 10:00 a.m. to
15 6:00 and a 12:00 to 8:00. And you stayed half an hour after
16 and closed, so that night in particular I got off around
17 8:30.

18 Q. And are you familiar with Danny Lapine?

19 A. Yes, I was dating him at that time.

20 Q. When you got off work that night, did you go to
21 Mr. Lapine's house?

22 A. Yes, I did.

23 Q. And he was sharing that at that time with Brent
24 Bartley?

25 A. Yes.

Quinn Myers

1 Q. And what happened, to your best -- your
2 recollection that night, what happened when you got there?

3 A. When I was getting there, there was a group of
4 people there. They were getting ready to go to a party, and
5 from what I recall it was at TJ Greaves' house. I wasn't
6 going to go to the party. I had to work again the next day,
7 and was just stopping off to see my boyfriend at the time.

8 I was sitting in a chair with direct view. I was
9 probably about eight feet or maybe just six feet from the
10 front door. And while I was there, I had probably been there
11 for 10 to 15 minutes, Nick McGuffin came up to the door, just
12 walking in. He was acting like he was walking in and made
13 eye contact with me, and just said, "Is Leah here?"

14 And I said, "No, why would she be here?"

15 And he said, "She's not?" And he just turned
16 around and left, after that.

17 Q. Was Brent Bartley there at that time, do you
18 recall?

19 A. I don't recall if he was or not.

20 Q. All right. Was Mr. Lapine there while you were
21 waiting there?

22 A. Yes.

23 Q. And were you folks going to go get something to
24 eat or something?

25 A. I think so. Yeah, I don't remember exactly what

Quinn Myers

1 ended up happening, but that was just something we normally
2 did.

3 Q. Okay. So you did not go to this get-together at
4 TJ greaves?

5 A. No.

6 Q. After eating or whatever you folks did, you went
7 home?

8 A. I went home.

9 Q. Right. Let's talk about the next day, the day
10 after this. Did you learn at some point in time that Leah
11 was missing?

12 A. Um, yeah. I believe Daniel called me while I was
13 at work, at Claire's.

14 Q. Who called you?

15 A. Daniel.

16 Q. Yeah --

17 A. Lapine, called me while I was at work, and told
18 me that she was missing, that she'd disappeared. And I said,
19 Oh, that, you know, Nick was looking for her last night when
20 I was at your house, because I didn't make a point to tell
21 anyone else that inside. I didn't think much of it when Nick
22 came in and said, "Is she here?" And that was probably, I
23 don't know, not until like 5:00 or 6:00 in the evening that
24 day when Daniel called and told me that.

25 Q. Did you see Mr. McGuffin later?

Quinn Myers

1 A. That night? Yes. I got off work again about
2 8:30. I went to the video store, rented a movie, and went
3 back to Daniel Lapine's house. At that point it was just
4 Daniel and I and Bill Sero and Alicia Michaud there.

5 Q. And so what happened while you were there?

6 A. We were watching *Deuce Bigelow, Male Gigolo*. I
7 wasn't drinking, and I don't -- can't say in particular who
8 was. I don't really remember. I'm assuming that they were
9 drinking because I remember that later that night they were
10 pulled over, and I believe both Alicia and Bill got in
11 trouble for drinking.

12 While we were there, I don't know, probably a
13 half hour, 45 minutes into the movie, Nick showed up. He was
14 emotional. He -- he'd been crying. And he said he had just
15 been in a fight with Bill Middleton, who was Leah's uncle.
16 And said that Bill called him a 15-year-old girl abuser, or a
17 15-year-old abuser, or something. He was upset about it.

18 At that point, what -- Bill Sero had said, told
19 me earlier in the day, right -- I need to backtrack.

20 When I got to Daniel's house that night, Bill
21 Sero -- I had said that's crazy that she is missing. You
22 know, what could have happened? At that point there were
23 rumors about someone getting out of jail or, you know, that
24 was a former -- some type of sexual abuser or something. So
25 it was just, What could have happened?

Quinn Myers

1 And Bill said, Yeah, I helped -- I heard about
2 it, and I went and helped Nick look for her today. That's
3 what Bill said. And again, I didn't ask more questions.

4 When Nick came there, Bill said, Now, what does
5 she look like again? And Nick went through explaining her,
6 and said, She has blonde hair, she had a wife-beater on, big
7 boobs. And when she [sic] said that, Bill kind of chuckled
8 to himself, and laughed. And he said, Oh, what a way to
9 explain her.

10 Alicia got upset and started crying, and ran
11 outside. And at that point Bill got up to follow her, and
12 went outside, and just Nick and Daniel and I were inside, and
13 Nick was just kind of talking about everything he'd done that
14 day, and I don't remember specifics of where he looked. I
15 just remember him saying he drove out Fairview, looked along
16 the side of the road. So.

17 Q. Okay. Did he tell you about he had been late to
18 pick up Leah the night before?

19 A. He actually had said that he was seven minutes
20 late. I remember specifically it was seven minutes, he said.

21 Q. All right. Did he talk to you about Bill Sero,
22 about him helping or things along that line?

23 A. Um, not at that point in time. Since then, yes,
24 we had talked about that, and he had said, yeah, you know,
25 now that you mention it, he was driving in a car in front of

Quinn Myers

1 me with Erica, which was who -- her name was Erica Davidson
2 (phonetic). Bill Sero has children with her. And she had a
3 younger brother our age, as far -- mine and Nick, is what I'm
4 referring to by our age.

5 And he said Erica stopped the car in the middle
6 of the road and Bill got out and came over and said -- and it
7 was in the daytime, the next day. It would have been the
8 29th, and said, I heard that your girlfriend went missing,
9 man. I want to help you look for her. And got in, and that
10 they drove around and looked for her.

11 As far as where or anything, I'm not sure.

12 Q. All right. Did Nick tell you anything about how
13 he thought it was odd that Bill Sero was offering to help him
14 look for her?

15 A. He did. He said -- when we talked about this,
16 after the fact, he had said he didn't think at the time about
17 it, but since really not a lot of people knew, that night, or
18 even until later the next day like I did, that she was
19 missing, he said, you know, that was kind of weird that he
20 knew about it, and that he stopped and did that.

21 Q. All right. Well, let's back up a little bit.

22 First of all, when did Nick say that -- or when
23 was it that Sero supposedly got out of the car and got in the
24 car with him? Was that the day Leah disappeared? The next
25 day?

Quinn Myers

1 A. The next -- the next day.

2 Q. The next day, all right.

3 And when did Nick tell you this?

4 A. Um, Bill's the one who told me that, the next
5 night. And then later on, and I -- I don't know. It wasn't
6 really soon after, I wouldn't say. It was probably a year or
7 so after it all, we were talking about different things about
8 it, and that's when he said, you know, now that you bring
9 that up, I remember that that's what happened, and that he
10 jumped out.

11 Q. Let's go back to the movie. Nick had described
12 what his girlfriend -- what Leah looked like. Alicia goes
13 outside, Sero follows her out.

14 Does Alicia Michaud come back into the house?

15 A. Um, she does come back into the house, and at
16 that point her and I had a time away from the guys. And I
17 don't know if I took her in the other room just to kind of
18 say, you know, I -- you're bawling, you're going to scare
19 Nick and make him think something really bad happened, is
20 what I was telling her at the time. And she just said, I'm
21 sorry, I have a really -- I have a really -- a bad feeling.
22 And just continued bawling.

23 I didn't know Alicia that well, so I didn't feel
24 like with her, you know, to sit and try and confide. At the
25 time I'm just thinking maybe she ran away, even. You know, I

Quinn Myers

1 just didn't have the thought of something bad happening.

2 Q. And Alicia is telling you that she's had a bad
3 feeling about Leah's disappearance?

4 A. Yes.

5 Q. Do you know Kristen Steinhoff?

6 A. I know who she is.

7 Q. There's something about a roadblock and Kristen
8 Steinhoff, and your name coming up?

9 A. Yes.

10 Q. Do you know anything about that?

11 A. I do. A week after Leah's disappearance, they
12 had a roadblock, basically right in front of the -- I think
13 it's a tax place now. It was a hearing aid center then.
14 Between Colleen's and the City Hall now.

15 Q. All right. That would have been Hunter's and
16 Dairy Queen and --

17 A. Yes. Yeah.

18 Q. It's now City Hall --

19 A. The credit union.

20 Q. -- and the credit union. Okay. Go ahead.

21 A. Um, oh, we walked down there from -- we heard
22 that was going on and walked down there from Daniel's house
23 that day. And I don't remember exactly who I was with. I
24 think Brent was with me.

25 Q. Okay.

Quinn Myers

1 A. He's also a very close person that I know and
2 liked. And Kristen was standing there, when you drive
3 through the lower part of the credit union there's a little
4 water -- drop-off box for the payment. She was standing
5 right where that is, looking -- just by herself, looking at
6 the people, the cops stopping people, asking them where they
7 were a week ago and what they were doing, did they remember,
8 at that time of night.

9 And we just kind of walked over to her, because I
10 knew who she was. And it wasn't really I ever hang out with
11 her, but and asked, you know, what was going on. She goes, I
12 don't know. I don't know. What do you think they're -- what
13 do you think they're talking about? What do you think
14 they're asking? Just kind of really jittery and fishy and
15 kind of strange about it.

16 Q. Did -- and maybe I'm getting things confused.
17 Was there ever any repercussions about -- that you know
18 about, about Kristen being there that night or anything like
19 that?

20 A. Not at that time, I hadn't heard. I mean, I
21 don't know of that. I had heard that later on.

22 Q. All right. Now, you indicated that you knew or
23 was acquainted with Bill Sero. Is that right?

24 A. I -- yes.

25 Q. And Tom Stemmerman. Do you know Tom Stemmerman?

Quinn Myers

1 A. I know Tom Stemmerman only because of my brother.
2 He's my brother's age. I have an older brother, and he --
3 Tom's from Coos Bay, and my brother lived in Coos Bay and was
4 friends with him. So I knew him through that way. I didn't
5 know him because I knew Bill Sero or anything like that.

6 Q. Brent Bartley. You indicated you knew him?

7 A. Very well. Actually, he'd be the person I know
8 the best of anyone in this situation.

9 Q. How long have you known Brent?

10 A. My whole life. Actually, my mother and his
11 mother worked here at the courthouse together. And we grew
12 up thinking we were cousins until we were old enough to know
13 better, took baths together as little children.

14 Q. Diane Cannon is your mother?

15 A. Yes.

16 Q. Say hi to her.

17 A. I will.

18 Q. Okay. All right. Now, let me -- I've got a
19 couple of questions.

20 Since 2000, have you had much contact with Nick
21 McGuffin?

22 A. Not a lot. I am -- I talked to him here and
23 there after that happened, and I think I was pretty close
24 with him for the year afterwards. Mm, I -- he's someone who
25 at any point in time I can just call on the phone for no

Quinn Myers

1 given reason and ask a question, like, you know, what did --
2 what did that person eat over there, or something like that.

3 And so we've -- have maintained that type of a
4 relationship, and I have talked to him in -- in the last six
5 months a couple times. But aside from that, no, I don't keep
6 in -- in close contact.

7 Q. Has he told you anything about Leah's
8 disappearance?

9 A. No, nothing besides just what we -- he and I
10 talked about, of memories I've had and things.

11 Q. Has he ever told you what he thinks happened to
12 Leah?

13 A. Um, I don't think he's told me necessarily what
14 he thinks, as much as I've -- I have my thoughts of what I
15 thought happened. I think I've expressed that more than he's
16 tried to express what he thinks happened.

17 Q. What do you think happened?

18 A. Um, I -- and I'm not sure exactly, and I remember
19 when I talked to Ray and Kris about this, I don't remember
20 what led me exactly to think this. It was just a series of
21 things at the time I'd heard.

22 But I think that she was walking near the
23 graveyard by -- across from the high school, and that Bill
24 Sero and Kristen Steinhoff, and I don't know of anyone else
25 who were in the car, and like swerved to get her attention,

Quinn Myers

1 because she had her head down, and they accidentally hit her
2 and it went from there. It was an accident. They were
3 trying to cover it up, I guess. I don't know what the
4 circumstances were.

5 And this is just what I think. I -- I don't have
6 any knowledge of why that is what I think. That's just
7 what --

8 Q. Is -- well, let me back up. Is -- for example,
9 has Alicia Michaud told you anything about what occurred?

10 A. No.

11 Q. Has Bill Sero told you this?

12 A. No.

13 Q. Tom Stemmerman?

14 A. No. I have not talked to Bill Sero or Tom
15 Stemmerman, so.

16 Q. Okay. Kristen Steinhoff?

17 A. No.

18 Q. This is just kind of, if you will, stuff you put
19 together from rumors on the street?

20 A. Yes. Yes.

21 Q. Would that be safe to say?

22 A. That's exactly it.

23 Q. I guess this is a question I've been asking
24 everybody: Do you know who killed Leah Freeman?

25 A. No.

Michael Baumer

1 Q. All right. And is there any other information,
2 stuff I haven't asked you about, that you think the grand
3 jury needs to know about this case?

4 A. Um, I'm trying to think. I'm mean well. I -- I
5 just can't think anything. I can't. I want to be as helpful
6 as I can.

7 MR. FRAZIER: Grand jury wants to ask her
8 anything?

9 GRAND JUROR: Was there any -- anything that
10 struck you odd up at where your boyfriend stayed with Brent,
11 anything after the disappearance that went on there?
12 Conversations that --

13 THE WITNESS: Not at all. Not at all. I was --
14 as a matter of fact, I guess the one thing I could say that I
15 think would be helpful is that I knew Brent Bartley's name's
16 in this. I'm 100 percent confident that if Brent Bartley
17 knew anything he would have told me. We were that close, and
18 he -- I was his confidante. So -- and no, there were never
19 conversations about that.

20 MR. FRAZIER: Any other questions?

21 All right. That will do it.

22 THE WITNESS: All right. Thank you.

23 MR. FRAZIER: You're free to go.

24 THE WITNESS: Thank you.

25 **TESTIMONY OF MICHAEL BAUMER**

R. Crook

1 THE WITNESS: It was probably after that, a
2 couple of months after that.

3 GRAND JUROR: So the story didn't -- you didn't
4 hear it from either Tom or Bill, then?

5 THE WITNESS: No.

6 GRAND JUROR: Did you know what was going on in
7 the room in the basement?

8 THE WITNESS: That -- yes.

9 GRAND JUROR: And what was that?

10 THE WITNESS: Oh, he dealt a lot of drugs, for
11 sure.

12 MR. FRASIER: Any other questions?

13 Okay. That'll do it.

14 THE WITNESS: All right.

15 MR. FRASIER: You can take off. Thank you.

16 THE WITNESS: You're welcome.

17 **TESTIMONY OF RICKY CROOK**

18 (Witness sworn.)

19 BY MR. FRASIER:

20 Q. Okay. This is the grand jury for Coos County.
21 This -- and we're looking into the death of Leah Freeman.
22 Okay?

23 And I have to advise you we're recording the
24 proceedings.

25 A. Okay.

R. Crook

1 Q. First of all, could you tell us your name,
2 please, and where you live, sir.

3 A. Ricky Crook. Coquille, Oregon.

4 Q. And are you a junior, senior or -- Ricky Crook,
5 Jr., or Ricky Crook, Sr.?

6 A. No.

7 Q. But your dad's also named Richard Crook?

8 A. Yeah, different middle name.

9 Q. Different middle names, okay.
10 Just wanted to make sure I got that straight.
11 And how old are you, sir?

12 A. I think I'm 26, 27. I don't know. (Laughs.) I
13 know my birth date. Does that count?

14 Q. Well, what year were you born?

15 A. 12/30/1982.

16 Q. 1982.

17 A. Yeah.

18 Q. So that would make you almost 28.

19 GRAND JUROR: 28.

20 MR. FRASIER: He's 27. He'll be 28 --

21 THE WITNESS: 27. Darn it. I was hoping I was
22 27. Losing years fast.

23 BY MR. FRASIER:

24 Q. Okay. And have you lived in Coquille all your
25 life?

R. Crook

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1 A. For -- for the most part. I haven't, but for the
2 most part I have, yeah.

3 Q. Okay. Were you living in the Coos County area in
4 the year 2000?

5 A. Yes.

6 Q. And were you going to school then? It would have
7 been ten years ago --

8 A. I don't think -- I don't think I was, sir. I
9 dropped out when I was -- and I got my GED in my sophomore
10 year. That was about '99, is when I graduated from SWOCC.

11 Q. All right. Did you know or do you know a Nick
12 McGuffin?

13 A. Yes.

14 Q. How do you know Mr. McGuffin?

15 A. He was my friend while growing up.

16 Q. And how close would you say you were to
17 Mr. McGuffin?

18 A. I was pretty close. I mean -- yeah. We were
19 close. My mom took him into her house and let him live there
20 for a couple of months when he was having family problems.

21 Q. And Leah Freeman?

22 A. Yeah.

23 Q. Okay. Did you know her?

24 A. Yeah.

25 Q. How did you know her?

R. Crook

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1 A. Um, Nick's girlfriend.

2 Q. And how well did you know her?

3 A. I wouldn't -- I mean, like I wouldn't say very
4 well. I didn't -- we never called and talked on the phone.
5 And, you know, I mean, if I seen her walking down the hall or
6 something, you know, say if we were at school or in a store
7 or something, we would say hi, I'm sure. But, you know, I
8 wasn't like a good friend.

9 Q. Okay. And did you at some point in time become
10 aware that they were boyfriend/girlfriend?

11 A. Yes.

12 Q. Did you have an opportunity to see their
13 relationship a little bit?

14 A. Yeah.

15 Q. How were -- well, Nick at the time was a
16 senior -- is that correct -- in high school?

17 A. Yeah, prob -- yeah. Yeah, he probably was.

18 Q. And Leah was a freshman?

19 A. Yes.

20 Q. How did they get along?

21 A. I -- I mean, they didn't have the best of
22 relationships, but, you know, it wasn't much worse than
23 anybody else's. I didn't -- it wasn't something out of the
24 ordinary, I don't think. I mean, I didn't see anything wrong
25 with it.

R. Crook

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1 Q. Okay.

2 A. But -- but they weren't the best -- you know,
3 everything wasn't peachy-keen and happy all the time and
4 everything. But, you know, it wasn't to the point where
5 anybody thought there was anything wrong with it, I don't
6 think.

7 Q. Back in 2000 you were interviewed by a detective
8 with the state police named Kevin Roach?

9 A. Roach? Yep.

10 Q. Okay. Do you recall telling Detective Roach that
11 there was a lot of little things that got in the way of their
12 relationship and that they were really jealous?

13 A. I -- I -- if I said it, yeah, it's probably true.

14 Q. And was it -- did they have -- were they jealous?

15 A. Uh, more on Nick's point than I -- I would say on
16 her side, I think. Because -- just because I hung out with
17 him more than I hung out with her, you know, so -- yeah,
18 jealous of everything. But that's how it is in high -- I
19 mean.

20 Q. Okay. Did you ever see Leah hit Nick?

21 A. Yes, I have.

22 Q. And what did you see?

23 A. I seen her kind of -- she would kind of -- he was
24 standing up the hill and she was kind of down the hill, and
25 she just kind of jumped and she got in a full-on punch. I

R. Crook

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1 mean, it wasn't like she -- it didn't hurt him or anything,
2 you know.

3 Q. When you saw Nick and Leah together, did you ever
4 see Leah, while she was around Nick, drink alcohol?

5 A. I prob -- yeah, I -- I bet I have, yeah.

6 Q. And marijuana? Using marijuana?

7 A. Hmm. I don't know if she did that.

8 Q. Well, you told Detective Roach, I've seen Leah
9 smoke marijuana and drink when she's around Nick.

10 A. If I said it, then I must have said that, but
11 it's been a long time.

12 Q. Was there a graduation party that summer, or a
13 camp-out type of thing in Powers?

14 A. Yep. Yep. That's where she hit him.

15 Q. Okay. How did Nick react when she hit him?

16 A. He actually did pretty good. He did better than
17 I thought he would have done.

18 Q. Okay. Did he clench his fists?

19 A. I -- I don't specifically remember that, whether
20 or not.

21 Q. Do you recall telling Detective Roach that Nick
22 clenched his fists, got mad, and said to her, "F you"?

23 A. I don't know if I told him that.

24 Q. Okay.

25 A. I mean, I'm not -- if I did, what I remember

R. Crook

1 right now is him grabbing her and like they -- not grabbing
2 her, you know, but he grabbed her and he threw her on her
3 shoulder, and they went into the tent, and everything was
4 fine. There wasn't nothing bad happened that -- after that,
5 you know, or nothing. But that's what I remember now, is him
6 packing her -- I remember him packing her on his shoulder.

7 Q. You indicated that -- you know, at least
8 according to Detective Roach's report, that Leah passed out
9 about a half hour later, and he -- and Nick put her in the
10 tent?

11 A. Yeah. So I -- I remember watching him -- him
12 pack her towards the tent evidently. I remember him having
13 her on his shoulder. And I don't remember him clenching his
14 fists, but if -- if I told that guy that, you know, I
15 wasn't -- I wasn't making anything up, so.

16 Q. Okay. Did you ever see Nick hit his car with his
17 fists (indiscernible)?

18 A. (Laughing.) I wouldn't put it past him. Only
19 thing, I can't -- like I said, I can't remember it right now,
20 but it sounds about right. (Laughing.)

21 Q. Okay. From looking at what you told Detective
22 Roach, you say in this report, I've seen Nick hit his car
23 with his fist when he gets mad.

24 A. No, I'm -- I'm sorry, but yeah.

25 Q. Did Nick ever tell you what he thought his

R. Crook

1 relationship with Leah was going to be like?

2 A. I -- I don't -- I don't really know. I mean, I
3 don't -- not that I can recall, no.

4 Q. Okay. Recall telling Detective Roach that when
5 Nick was drunk one night or (indiscernible), that Nick told
6 you that his relationship was going to last longer than the
7 rest of everyone else's, and that it was meant to be?

8 A. I think -- like I said, if I told that guy that,
9 I mean, I wasn't making anything up. So.

10 Q. Okay. Did Nick tell you what happened the night
11 that Leah disappeared?

12 A. No.

13 Q. All right. Do you recall, again, Detective Roach
14 saying, He said the night that Leah disappeared she and Cheri
15 weren't getting along because Cheri mom -- Cheri's mom
16 doesn't like me?

17 A. Yeah. I remember -- I remember that Cheri's mom
18 didn't like Nick. I knew that.

19 Q. Okay. How did you know that the night that Leah
20 disappeared that they (indiscernible). How did you come to
21 that knowledge?

22 A. Oh, Nick told me, that -- that they were
23 fighting.

24 Q. Okay. Did he have -- did Nick tell you that
25 Leah's mom -- that would be Cory -- liked Nick? Cory

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1 Courtright?

2 A. I don't know if Nick -- I always assumed she did.

3 Q. Okay.

4 A. But I don't know if -- remember anybody telling
5 me that, or whatnot.

6 Q. Did you also tell the officer that Leah's family
7 likes Nick?

8 A. Yeah, I think I did. Because -- I mean, they
9 were all family friends and everything, for a certain amount.
10 And then it got so far into the investigation, and then Cory
11 wasn't their friend no more.

12 Q. Okay. Do you remember telling the police that
13 Cheri's mom didn't like Nick and Nick -- didn't like Leah and
14 Nick hanging out at Fast Mart?

15 A. Yeah, I'm sure I'm -- yeah, I probably told him.
16 Would have been the truth.

17 Q. Now, on the day that Leah disappeared, this would
18 have been June 28th of 2000, do you recall what you did that
19 day?

20 A. I don't. I --

21 Q. Okay.

22 A. If you tell me what I said, I mean, it might
23 bring back a memory, but I don't -- not right offhand, I
24 don't.

25 Q. Okay. It says you woke up a between 12:00 and

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1 12:30, and that you then went with Brent Crawford, Megan
2 Simmie (phonetic), Randy Demain, and Joe Cranston, to
3 Sugarloaf to go swimming?

4 A. Yep. Okay. I remember now. I scaled the rock
5 that day.

6 Q. Where's Sugar Road -- loaf?

7 A. Um, you know where Indian Creek is? Outside of
8 Myrtle -- this side of the bridge.

9 Q. Yeah. Okay.

10 A. There's kind of a bridge on the corner there.

11 Q. Right.

12 A. And that's -- they call that Sugarloaf, right
13 there on the right.

14 Q. Yeah. And it said you were there from about 2:00
15 to 4:00, smoking pot, and you got high.

16 A. Got -- um, probably. That's what I did back
17 then.

18 Q. Okay. Then at about 4:30 to 5:00 you went back
19 to Coquille. You rode back to town with Brent and Megan, and
20 that you went to Brent's house and smoked some more marijuana
21 around 6:00. Does that sound right?

22 A. Yeah, probably.

23 Q. Uh, then you -- either Brent dropped you off at
24 your house or you walked home; you didn't remember. You went
25 to bed and slept until the next day. You got up at about

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1 10:00.

2 A. Yeah.

3 Q. That sound about right?

4 A. Yeah.

5 Q. Okay.

6 A. I thought I got up earlier than that, but I don't
7 know. I -- the next day is when I woke up to Nick --

8 Q. Okay.

9 A. -- is what I remember.

10 Q. That's when, the next day, he woke up to Nick.

11 Nick came over to your house. Is that right?

12 A. Yes.

13 Q. Okay. Tell us what happened when he came over.

14 A. I -- I think he -- I think he walked right in the
15 back door because, like I said, he was living there a couple
16 months before all this happened. Or six months, or
17 something, I don't know exactly. But at some point he lived
18 with us for a couple of months.

19 And I think he just was coming in the back door,
20 and I think at that point I was walking -- the bathroom's
21 back there, and I think I was going towards the bathroom.
22 And I -- I remember him -- I was -- it was early. I had just
23 woken up. And he came through the back door kind of
24 frantically, and asked, Have you seen Leah, is the first
25 thing he said. And -- you know. And I told him no, I

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1 hadn't, and I thought about saying something smart-ass about
2 her being in my bed, whatever, but I didn't. And he -- Oh,
3 she's missing, she's missing. And -- but I specifically
4 remember asking, Did you check her house?

5 Q. Okay.

6 A. And the guy -- he told me no.

7 Q. Told you no?

8 A. Yeah. And that was always kind of weird to me,
9 that -- and I even asked him about it, you know, a couple of
10 years afterwards. I asked him about him saying that to me,
11 about him telling me no. And -- and he said, Oh, I didn't
12 say that. And I remember it. I mean, I'm pretty sure he
13 said it. But I'm going to -- maybe he didn't, but --

14 Q. Okay.

15 A. -- I certainly remember it.

16 Q. Do you remember telling the police that there was
17 supposed to have been some acid or LSD that contained --

18 A. Yeah, I -- I heard about that, yeah.

19 Q. Okay. Did you tell the police that Nick told you
20 that someone -- he thought that someone slipped Leah some
21 acid?

22 A. Uh, I -- if I said it, I probably believed it at
23 one time, or something, you know. Or was told it. I didn't
24 make it up.

25 Q. Okay. Did you -- do you know Kristen Steinhoff?

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1 A. Yeah.

2 Q. Did Nick tell you about he and Steinhoff looking
3 for Leah and seeing some sort of hitchhiker?

4 A. I remember him telling me about looking for Leah,
5 but I don't remember him talking about a hitchhiker.

6 Q. Okay. You indicated to Detective Roach that Nick
7 told you that he and Kristen went looking for Leah and
8 they saw a hitchhiker sitting on some rocks. Nick said
9 the hitchhiker was blonde, but not wearing a white
10 shirt. Nick said the hitchhiker was wearing a black
11 sweatshirt, so they didn't stop to see if it was Leah.
12 Nick said that when they got back to check if the
13 hitchhiker was Leah, the hitchhiker was gone.

14 A. I don't know about no -- that doesn't bring up
15 anything. I'm not -- if I said it, I mean, it's something I
16 heard at the time or something.

17 Q. Okay. Sometime, probably a couple or three years
18 ago, you had contact with Sergeant Zanni of the sheriff's
19 office; do you recall that?

20 A. Yeah.

21 Q. And he came out to your place of employment. At
22 that time you were working for Yates Logging?

23 A. Yates, yep.

24 Q. And you told him you didn't have a problem
25 talking with any of them about this at all?

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1 A. No.

2 Q. You kind of told him you were kind of punk kid
3 back during the initial investigation, and you thought --

4 A. Yeah.

5 Q. -- you were willing to talk more at that point.
6 Is that right?

7 A. Yeah.

8 Q. Kristen Steinhoff. Has Kristen Steinhoff ever
9 told you what happened to Leah?

10 A. No.

11 Q. Okay. Do you know a guy named Bill Sero?

12 A. Yes.

13 Q. How do you know Sero?

14 A. One of them guys, a name that was just an older
15 crowd of people that you heard. And I wasn't in the best of
16 crowds back then, and that was one of the bigger names that
17 you heard up there, kind of in the crowd. I mean -- I mean,
18 I wasn't -- we weren't -- you know, we didn't go hang out
19 together or anything. But, I mean, I knew who he was.

20 Q. Tom Stemmerman. Do you know Tom Stemmerman?

21 A. I -- that was a name too. Like the first time
22 I've seen him in my life is sitting out here in front -- or
23 at least a second ago.

24 Q. All right. Did you know a Jack Bentley?

25 A. No.

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1 Q. Okay.

2 A. I don't think so. Did he go by any other name?

3 Q. Jack? I don't think so. Jack was a -- used to
4 be a sheriff's deputy, and then became a private investigator
5 here --

6 A. Oh, Bentley Investigations, maybe?

7 Q. Yes.

8 A. Okay. I read the crap online.

9 Q. Okay. So that's -- but you never --

10 A. I've never met him, never talked to him or
11 anything.

12 Q. There's a rumor floating around town that Leah
13 was hit by a car.

14 A. Yeah.

15 Q. Have you heard that rumor?

16 A. Oh, yeah.

17 Q. And one of the rumors, a couple of versions of
18 it, puts you in the car.

19 A. Ah, it's -- I heard that. Well, that's the one
20 that Zanni came up and told me about. That's the first I
21 ever heard of that one.

22 Q. Okay. Were you in a car --

23 A. No.

24 Q. -- that ran over Leah Freeman?

25 A. No.

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1 Q. Has anybody told you, directly to your face, that
2 they were in the car that ran over Leah Freeman?

3 A. No. I -- well, Alicia Michaud didn't exactly
4 tell me that she was in the car, but she acted like she was
5 kind of involved in a roundabout way in that. I seen her up
6 in Baker City rehab center a long, long, long time ago.

7 Q. Okay. What do you recall Alicia Michaud telling
8 you?

9 A. Uh, she came -- I was there to see -- get my
10 sister or visit my sister or something, and she came up, Oh,
11 Ricky, and she recognized me and she gave me a big hug. And
12 she was telling me, I got to tell the cops that these all --
13 these people did it; all -- you know, the whole Bill Sero,
14 Tom Stemmerman, Rowdy Howard names. Didn't say nothing about
15 Nick or Kristen.

16 Q. Okay.

17 A. Just told me them names, and told me they threw a
18 shoe out and crap, to give the family hope. And she acted
19 like she was involved in it all at that point. But I told
20 that Kevin Roach guy that, and basically just blew it off.

21 Q. Did -- when Nick came over to your house the day
22 after Leah disappeared, did you go with him anywhere?

23 A. I was trying to think of that. I don't -- I
24 remember looking -- like we went out to -- it's called Lois
25 Diment (phonetic) Park, I think, out there by -- towards

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1 Arago.

2 Q. Okay.

3 A. And we went and looked around in the bushes and
4 everything, but I don't know if it was that same day or
5 within a couple of days. So I don't know if I went out with
6 him that exact next day or not. I don't -- there's no reason
7 why I wouldn't have, you know, if somebody seen me with him
8 or something, because we were his friends and, you know, I
9 was helping him look for his girlfriend, supposedly.

10 Q. Was there -- Nick had a blue Mustang --

11 A. Yeah.

12 Q. -- that he was kind of proud of.

13 A. Oh, God.

14 Q. And he drove that most of the time, that Mustang?

15 A. Yeah. For the most part.

16 Q. Was there another car he drove?

17 A. Yeah, he drove -- the Mustang always -- kind of
18 broke down all the time, because it was 1960-something. And
19 then he would drive the -- like I think I was his mom's
20 Thunderbird, or --

21 Q. What color was the Thunderbird?

22 A. Maroon, I think.

23 Q. Maroon, okay. And the Mustang, was there a
24 footprint on the passenger side of the windshield?

25 A. I think that was in the T-bird.

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1 Q. It was in the T-bird?

2 A. I think so.

3 Q. Okay.

4 A. Yeah, there was.

5 Q. Tell us about this footprint.

6 A. There was a couple footprints that were Leah's,
7 and I don't know. He was just really weird -- not really
8 weird on them, but he was just -- he had them footprints on
9 there, and she wasn't around no more, and so he just made
10 sure nobody touched them or anything. And you had to be
11 careful of the footprints. And, I mean, but we were all his
12 good friends, you know. We respected that for -- from him,
13 you know. You know -- the girl's -- (indiscernible) was
14 coming up missing, and --

15 Q. Has Nick McGuffin told you anything about what
16 happened to Leah?

17 A. No.

18 Q. Kristen Steinhoff?

19 A. No.

20 Q. Have you ever told Kristen Steinhoff that she
21 needs to keep her mouth shut?

22 A. Not about this case.

23 Q. Have you told her about other stuff?

24 A. (Laughs.) Oh, I'm sure I told her that before.

25 Q. The reason I'm asking is we've got a witness that

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1 says that on the evening after Nick McGuffin and we believe
2 it's his father got into Kristen's face about talking about
3 the case, that the same evening you came in a window and you
4 were back in that room with Kristen, poking her in the chest,
5 telling her she needs to keep her mouth shut.

6 A. I did. I heard that story just the other day
7 too.

8 Q. And -- is it true?

9 A. No. (Laughing.) That's what I'm saying, that
10 that person is going to get -- yeah.

11 Q. What do you mean, that person is going to get
12 what?

13 A. Well, she's going to confuse herself in court and
14 end up -- he has to realize that she's lying and everything
15 and it -- it's all going to come out. I mean --

16 Q. Do you know -- did you ever -- there's another
17 witness. (Pause.)

18 A. You like witnesses.

19 Q. You know Polly Parks?

20 A. Oh, yeah.

21 Q. Did you ever go over to Polly Parks' with Nick
22 McGuffin?

23 A. Oh, yeah.

24 Q. Did you ever talk about Leah Freeman in front of
25 her?

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1 A. I'm sure we did, yeah.

2 Q. Did you and McGuffin talk about how Leah was
3 pregnant at the time she disappeared?

4 A. No.

5 Q. What about Brent Bartley? Do you know Brent?

6 A. I know Brent, yeah.

7 Q. Were you over at Polly Parks' with Brent Bartley?

8 A. Mm, I (indiscernible). I don't think Brent went
9 there.

10 Q. Okay. Do you have --

11 A. Maybe --

12 Q. Did you, with Brent Bartley, ever tell Polly
13 Parks that they told -- did you ever tell Polly Parks that
14 Leah had been pregnant and that McGuffin didn't want to be
15 the -- a dad?

16 A. No, I'd guarantee I didn't say that.

17 Q. Did you tell them that they had -- she had used a
18 home pregnancy test, and the test was positive --

19 A. No.

20 Q. -- and she was planning to go see a doctor?

21 A. No. I didn't know if she was pregnant. I mean,
22 I've just heard the rumor that she was pregnant when it
23 happened. I don't know if she was or not, or -- yeah.

24 Polly is saying that I said that stuff?

25 Q. Yes, sir.

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1 A. Wow.

2 Q. And then the other witness had you in the bedroom
3 threatening Kristen Steinhoff.

4 A. Oh, I heard that one, but I hadn't heard the
5 Polly one.

6 Q. Okay.

7 A. I'm not much of the threatening type. If I knew
8 something, you guys would have already known about it. I
9 wouldn't be milling around (indiscernible).

10 Q. Okay. Is it your testimony that you had nothing
11 to do with the disappearance of Leah Freeman?

12 A. No. Nothing whatsoever.

13 Q. And you have not talked to anybody who has told
14 you what has happened to Leah Freeman?

15 A. No.

16 Q. Do you have any information whatsoever about what
17 happened to Leah Freeman?

18 A. Not other than the stuff that I've already talked
19 to the cops about it. And I've been talking to them quite a
20 bit lately. And, I mean, I've given them everything that
21 I've possibly ever heard or seen or what I believed. And,
22 you know, that's all I can give them, is pretty much what
23 I've said.

24 Q. Did Nick af -- act any different after Leah
25 Freeman disappeared?

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1 A. I would say that he probably did. But just like
2 I told the other people that say that, I don't know if it was
3 for the good or the bad. Or I don't know how to take it, you
4 know. It -- if it happened to me, you know, and my
5 girlfriend came up missing or whatever, I don't know how I
6 would act.

7 (Grand juror sneezes.) God bless you.

8 I would say that -- I mean, I'm sure he wasn't
9 acting the same. He was acting different, sure.

10 MR. FRASIER: Okay. I don't think I have any
11 other questions for Mr. Crook. Does the grand jury want to
12 ask him anything?

13 GRAND JUROR: When you observed the Mustang over
14 the time period that Nick was driving it --

15 THE WITNESS: Yeah.

16 GRAND JUROR: -- did you ever see the trunk?

17 THE WITNESS: I've been asked that before, and
18 I've tried to remember, and I just can't remember whether it
19 was bare or not. I just -- I don't know. I remember he had
20 the two speakers in the back. I remember that.

21 GRAND JUROR: In the back seat?

22 THE WITNESS: No, they were -- there was -- in
23 between the back seat and like the back window, there's a
24 little like --

25 GRAND JUROR: Oh, up on the shelf?

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1 THE WITNESS: Like a fast-mat (phonetic) type
2 thing, and he had his speakers up through there. But I
3 remember looking at them from the trunk side, but I just --
4 I've been asked that, and I just don't know what his trunk
5 looked like. I don't remember.

6 GRAND JUROR: But there were speakers sticking
7 down?

8 THE WITNESS: Yes, there was two (indiscernible)
9 speakers. I remember those (indiscernible).

10 GRAND JUROR: So do you talk -- do you or have
11 you talked to Nick since (indiscernible)?

12 THE WITNESS: I -- not in the past four or
13 five -- maybe six or seven years, but I talked to him -- you
14 know, we were good friends after it all, for a couple of
15 years. And then all of a sudden he kind of got a new
16 girlfriend and didn't talk to nobody no more.

17 GRAND JUROR: What about his family or his
18 brother?

19 THE WITNESS: No. Yeah, Wayne lived at my house,
20 and I don't know how long ago that was. Probably five years
21 ago, or three years ago maybe. He lived -- he stayed at my
22 house for a while, and that's about all I remember.

23 And then we talked, but we never talked about,
24 you know, the case or anything. I mean, we might have talked
25 about it, but, you know, just what we've all heard and crap.

T. Stemmerman

1 That's -- that's what -- it's more everybody just --
2 everybody has their own story or what they believe, you know,
3 and it's -- you know, like I've heard 90 million things, and
4 I've tried to tell the cops everything I've heard, and -- you
5 know. But I truly believe one thing happened, and I told
6 them that story, but whether or not it happened, I don't
7 know. We're all going to find out now, I guess.

8 But I mean, I haven't talked to his dad or his
9 mom or -- I haven't -- like I said, I haven't talked to him
10 in -- I mean, it's been a long time. Since before he moved
11 to Bend. I guess he moved to Bend with his new girlfriend.

12 GRAND JUROR: Okay.

13 GRAND JUROR: Did you have a vehicle at that
14 time?

15 THE WITNESS: No, sir.

16 No, I didn't get a license until I was -- late.

17 MR. FRASIER: Any other questions?

18 Okay. Sir, that will do it. You're free to go.

19 THE WITNESS: Okay. Thank you.

20 **TESTIMONY OF THOMAS STEMMERMAN**

21 (Witness sworn.)

22 BY MR. FRASIER:

23 Q. First of all, this is the grand jury for Coos
24 County, sir, and we're looking into the disappearance of Leah
25 Freeman, her death. Okay?

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1 GRAND JUROR: You've answered the question. I
2 just didn't know why he said that.

3 MR. FRASIER: Any other questions?

4 Okay. That will do it.

5 THE WITNESS: Okay.

6 MR. FRASIER: You're free to go.

7 GRAND JUROR: Thank you.

8 MR. FRASIER: Thank you.

9 **TESTIMONY OF DENISE BERTRAND (FREEMAN)**

10 (Witness sworn.)

11 BY MR. FRASIER:

12 Q. Denise, I brought you back because the other
13 night I was going through some materials that we took out of
14 the McGuffin home, and there were some questions that came
15 up, and I thought I would talk with you about that.

16 One of the things that I think you mentioned the
17 other day is that when your sister first disappeared you were
18 a supporter of Nick. Is that right?

19 A. Mm-hmm.

20 Q. And you were out at the McGuffin home on
21 occasion?

22 A. Mm-hmm.

23 Q. And you have to say yes or no.

24 A. Yes or no. Yes or no? Yes.

25 (Laughter.)

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1 BY MR. FRASIER:

2 Q. (Indiscernible), please. Okay.

3 I'm looking at a note that we received that we
4 found in the McGuffin home, and it says -- and I'll just read
5 it to you, and then I'd like to have you comment on it. All
6 right?

7 A. Okay.

8 Q. The note says, Denise Freeman, Leah's sister, was
9 at our house. She told Bruce -- Nick's father -- that
10 she was at the house, the guy she gets her bad drugs
11 from. Bruce told her of rumor that Bill, Tom, Alicia,
12 and Kristen hit Leah with a car, paraded her around in a
13 car in Coos Bay. Leah came to. Beat her, planted her
14 shoes, et cetera. Denise wouldn't say who the guy was,
15 but saw something in -- of Leah's in this guy's bedroom.
16 She asked Bruce to keep quiet, as it would be just a big
17 drug bust and she wants to prove more. Bruce was
18 concerned for Denise. She said if anything happens,
19 Leah's belongings would be in Denise's body.

20 Okay. Do you recall ever having a conversation
21 with Bruce Michaud -- or Bruce McGuffin, about this type of
22 thing?

23 A. No.

24 Q. Okay.

25 A. Um, a lot of times I remember them asking, Have

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1 you heard anything? Or -- and I'd ask them the same, Have
2 you heard anything new, or whatever. Because it wasn't very
3 easy to get a lot of information from the police at the time,
4 and so it kind of was unfortunate that a lot of what you
5 heard was rumor.

6 But I -- he -- what were the -- I heard from what
7 people?

8 Q. Well, she -- it's kind of confusing. But it
9 sounds like either you told Bruce or Bruce told you about a
10 rumor that Bill, Tom, Alicia, Kristen hit Leah with a car.
11 And that you apparently knew who the guy was, and that you
12 had seen something that belonged to Leah in his bedroom.

13 A. I don't know who Tom is. (Laughs.) So that's
14 awkward in itself. At one point there was a rumor relating
15 to a Bill --

16 Q. Sero?

17 A. -- Sero, yes. And I had one brief conversation
18 with him. The -- and it wasn't even at his house. I don't
19 even know where his house is. And --

20 Q. That's Bill Sero's house?

21 A. Yeah, I don't even know where that is. I don't
22 even know what Tom is -- who Tom is. And there was Alicia --

23 Q. Michaud?

24 A. Michau -- well, Rashad, Michaud, something like
25 that, yeah. That I had seen around and knew of somewhat, but

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1 never been to her house either.

2 Q. Okay.

3 A. So I -- no, I --

4 Q. Well, let me --

5 A. That conversation I'm -- did not happen.

6 Q. Okay. Do you know a Tom Stemmerman?

7 A. No.

8 Q. Have you ever been in somebody's house and saw
9 something that belonged to Leah in this person's bedroom, or
10 anything like that?

11 A. No.

12 Q. Now, do you know a girl named Kayla Knight?
13 Makayla, or --

14 A. Makay -- yeah. I was pretty good friends with
15 her sister Maggie.

16 Q. Maggie Knight?

17 A. Mm-hmm.

18 Q. Now, this is something else that came out of the
19 McGuffin home, and I want to read this to you and have you
20 tell us what you think about it.

21 Kayla told -- Kayla had said she had gone to Tom
22 Stemmerman's house to buy some drugs. When she walked
23 into the living room, Denise Freeman was sitting on the
24 couch. Kayla proceeded to the back of the house to
25 Tom's room. She noticed in an adjacent room, through a

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1 crack of the door, the door was almost closed, a young
2 blonde girl in a chair that was bound and gagged. She
3 realized later it was Leah, and what bothered her most
4 was that Denise was in the house at the same time.

5 Is any of that true?

6 A. No. If my sister was at a house in any condition
7 like that, I would die saving her. (Laughs.) If I -- trying
8 to, anyway. There is absolutely no way I would be sitting
9 anywhere with my sister in a bad situation.

10 Secondly, I've nev -- I have never been in that
11 person's home. I'm not even completely sure who that is.

12 Q. And Mr. Stemmerman at the time was living off of
13 Libby Drive. And I don't mean to embarrass you or anything
14 (indiscernible), but did you ever buy drugs from anybody off
15 of Libby Drive?

16 A. (Sighs.) Caraway Road is pretty darn close to
17 Libby Drive.

18 Q. Caraway Road is out more towards the Empire --
19 or --

20 A. And to the Charles -- closer to Charleston, yes.

21 Q. Charleston.

22 A. Um, there, I wouldn't say I bought it. I -- I
23 had -- my dad's wife's daughter, Melinda, had a -- I guess
24 you would call it a friend of -- as good as friends can be in
25 that world. And I did not deal with my sister's death very

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1 well at all, and I ended up following her around and ended up
2 at a place out there. But his name was Phil.

3 Q. Phil Caraway?

4 A. Yes. And -- or at least that's the name I was
5 told. And, um --

6 Q. (Indiscernible.)

7 A. And I -- so I had ended up with her out there.
8 And down the road, it -- perpendicular, I guess, to Caraway,
9 is a Spring Street, I believe it's called. Spring or Spruce.
10 I think it's Spring Street. And there was another guy that
11 lived down -- it was like a one-minute walk from Phil's house
12 to his house. And those were the only two places out there
13 that I was ever involved in any of that.

14 Q. Never something directly on Libby Drive?

15 A. No, they were not on -- no. Not on Libby, no.

16 Q. Now, the other thing I want to ask you about,
17 there was a question -- again, on some of the papers I was
18 going through the other night, a question about a necklace
19 belonging to Leah that you may have gotten into your
20 possession somehow.

21 Do you know anything about a necklace?

22 A. There was a couple -- I got her -- I'm sorry. I
23 forgot to turn that off. (Cell phone ringing.)

24 I'm sorry.

25 Q. That's okay.

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1 A. Um, I got her for -- I think it was Christmas one
2 year, a necklace that said "No. 1 Sister" on it, and it was a
3 little gold pendant on a gold chain.

4 And then she had kind of a homemade -- I don't
5 know if she made it or her friend made it. Probably her. It
6 was like a string material, almost like yarn, kind of a
7 bluish-purplish-periwinkle-ish color. And I don't know if
8 you've seen the little mini dice that have letters on them
9 instead of dots. It had an N, an I, and a C, and K, and they
10 were spaced out on it. It said Ni -- you know, "Nick" was on
11 the necklace.

12 Q. Okay.

13 A. Those are the only two I can think of.

14 Q. All right. And did you, after Leah died, did you
15 have one or both of those necklaces.

16 A. I ended up with a little jewelry,
17 silver-colored -- I'd have to dig for it. She had that in
18 her room, and I had -- the necklace that I had got her, I
19 wanted to hold onto forever, of course. And somewhere at my
20 house I have a little wooden box with a sliding door on it
21 that I've put it in, yes.

22 Q. All right. So you've got the necklace that says
23 "No. 1 Sister"?

24 A. Mm-hmm.

25 Q. Where did you get that? I mean, how did you come

D. Bertrand

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1 in possession of it?

2 A. It was in the silver box that was in the -- in
3 the little silver tin that was in her room.

4 Q. Okay. What I'm getting to is, the material I
5 had, for some reason they kind of thought you had gotten this
6 necklace off her body. And you --

7 A. What?

8 Q. And the necklace you had came out of her bedroom.
9 Is that right?

10 A. Yes.

11 Q. Okay. Now, the necklace that you described with
12 the dice, with the letters, do you know if that was ever
13 found in your sister's belongings?

14 A. I have never seen it since, no.

15 Q. Okay. Can you do me a favor and ask your mom if
16 she ever found that?

17 A. Yeah. I (indiscernible).

18 MR. FRASIER: Okay. And let me know one way or
19 the other.

20 Okay. I don't think I have anything else to ask
21 you. I hope I didn't upset you, but these are questions I
22 had to talk -- that came up and I had to ask you again.

23 THE WITNESS: That is so crazy.

24 MR. FRASIER: Okay. Does the grand jury have
25 anything you'd like to ask her?

S. Shelton

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1 Okay. (Indiscernible.)

2 THE WITNESS: No.

3 MR. FRASIER: Okay.

4 THE WITNESS: Thank you.

5 **TESTIMONY OF SHERRE SHELTON (BOLGER)**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. First of all, this is the grand jury for Coos
9 County, and we're looking into the death of Leah Freeman.

10 A. Okay.

11 Q. And I think it's obvious, but I've got to tell
12 you we're recording the proceedings. Okay?

13 A. Okay.

14 Q. All right. First of all, could you tell us your
15 name, please, and what city you live in.

16 A. My name is Sherre Shelton, and I live in
17 Brookings, Oregon.

18 Q. And you were also known as Sherre Bolger?

19 A. Yes.

20 Q. Did you used to live in the Coquille area?

21 A. I did.

22 Q. How long ago was it you lived here, and for how
23 long?

24 A. Um, let's see. I moved here, I believe it was a
25 month after Leah Freeman's disappearance, (indiscernible)

Dustin Graham

1 that, at this point. Well, at least with this witness.

2 Is there any other questions for Mr. Baumer?

3 All right. Thank you, sir. You're free to go.

4 THE WITNESS: Yes.

5 MR. FRAZIER: Have a good day.

6 GRAND JUROR: Thank you.

7 **TESTIMONY OF DUSTIN GRAHAM**

8 (Witness sworn.)

9 BY MR. FRAZIER:

10 Q. First of all, sir, this is the grand jury for
11 Coos County, and we're looking into the disappearance and
12 death of Leah Freeman. Okay?

13 I need to advise you, and it's obvious, but I'm
14 recording everything that's going on in here. Okay?

15 A. Hmm.

16 Q. All right. So when you respond to questions, you
17 need to answer yes/no, if you would, please. And since the
18 air conditioner decided to kick on, it would be nice if you
19 could speak up for us.

20 A. Okay.

21 Q. All right. First of all, could you tell us your
22 name, please, and where you live, sir.

23 A. My name is Dustin Graham. I live at 896 West
24 17th Street here in Coquille.

25 Q. And how long have you lived in Coquille, sir?

Dustin Graham

1 A. For my whole life, other than about a period of
2 three months.

3 Q. Do you know an individual named Nick McGuffin?

4 A. Yes, I went to school with Nick McGuffin.

5 Q. How well would you say you know Nick?

6 A. Not that well.

7 Q. How close did you -- well, right now, have you
8 had much contact with Nick in the last few years?

9 A. No, I have not. I -- the last time I saw Nick we
10 were driving down the road, we were coming from Lakeside, we
11 were just getting off work, and he drove up next to our car,
12 on the right, and yelled from his car to our car, at a guy
13 that I was working with. And he had said, Where's my money?
14 And he yelled it pretty loud.

15 We pulled over, and the guy that I was working
16 with got out of the car and they went and talked for a little
17 while. And I remember I was with Mike Pizzola. I was
18 working for Pizzola & Sons Construction at the time, and I
19 was with the younger son, or the -- Mike Junior.

20 And I said, What's going on? And we both looked
21 at each other kind of weird, you know. We look at Nick,
22 What's going on, Nick? You know. Do you say hi to anybody
23 anymore? And that's the last time I ever saw him.

24 Q. And how long ago was that?

25 A. It was before I moved to Hawaii. It was, I want

Dustin Graham

1 to say about -- before this depression thing hit. So it was
2 about, I want to say, two years ago.

3 Q. Did you know a girl named Leah Freeman?

4 A. I -- I didn't know her personally. I know --
5 knew of her. I was an acquaintance of hers, I guess, at
6 school. I knew -- I knew her friends more than I knew her.

7 Q. Were you aware that Nick and Leah were
8 boyfriend-girlfriend?

9 A. Yes, I was very aware of that.

10 Q. When you say you were very aware of that, how --
11 what do you mean?

12 A. They were together all the time. They -- it
13 seemed like they were inseparable, but he's -- I don't know,
14 you know. He -- that he -- I remember it specifically
15 seeming like -- it seemed like he was really controlling.
16 You know, that it was a really obvious thing around the
17 school, you know, that he was pretty -- you know. It was
18 just -- they hung out all the time, and it didn't see -- it
19 seemed like he kept her on a tight leash. On a short rope,
20 you know.

21 Q. Did you ever see them argue, or anything?

22 A. Yes, I did.

23 Q. How often would you see them argue?

24 A. Not very often. I mean, I witnessed maybe two
25 times. I mean, I don't remember it specifically, but at

Dustin Graham

1 school they'd yell at each other and stuff. And in -- you
2 know. And it was just -- it was always like, you know, that
3 look between, you know, when -- when people aren't getting
4 along, you know, they're just -- you can -- you can tell,
5 when people don't get along, and there stuff underlying, you
6 know. Stuff going on.

7 Q. And did you ever see either one of them raise a
8 hand towards the other?

9 A. No.

10 Q. Do you know a guy named Bill Sero?

11 A. I know of Bill.

12 Q. Okay. How do you know of Bill?

13 A. Um, I was -- I went to school, like -- let's see,
14 with Ryan Davidson, and his sister is Erica, and I know his
15 mom because Ruth Anne, his -- we did baseball when we were
16 kids, and stuff. And -- and I would always hear Ryan talk
17 about Bill. It seemed like he kind of looked up to him as
18 a -- as a brother, or whatever, you know, because his -- him
19 and his sister were together. He used to talk about him all
20 the time.

21 I remember maybe like going to his house once
22 with -- with Ryan, but I mean, not -- I didn't know the guy,
23 personally. I just remember thinking that he was weird.

24 Q. Okay. Did you ever -- when you were living here
25 in Coquille, did you ever live close to where Sero was

Dustin Graham

1 living, Bill Sero?

2 A. I did not. I -- he -- I know that he lived in
3 this apartment over in Sanford Heights, and that at one point
4 in time around this whole time it was really late at night
5 and I was with Jesse Newman (phonetic). It was like 2:00 in
6 the morning, and we were -- I don't even remember what we
7 were doing. We were out farting around at 2:00 in the
8 morning. We went over to his girlfriend's house that was in
9 Sanford Heights.

10 Q. Whose girlfriend's house?

11 A. Katie Klevits (phonetic). It was Jesse Newman's
12 girlfriend Katie Klevits.

13 Q. Okay.

14 A. And I remember Megan Walker (phonetic) was there,
15 and these were two girls that I'd never hang out with, and
16 you know, it was kind of weird and odd for me to be there.
17 The only reason I was there is because I was friends with
18 Jesse and we were hanging out.

19 We get a knock on the door. We're all -- we just
20 walked inside, we get this knock on the door. And it was
21 Bill at the door, which is weird, you know. It was weird.
22 And he knocks on the door and he's like, What are you guys
23 doing? And we were just getting ready to smoke some weed.
24 And he's like, well, do you guys want to come over to my
25 house and smoke some weed with me?

Dustin Graham

1 I didn't really think anything of it, you know.
2 I said, Sure. We go around -- like there's these apartments
3 in Sanford Heights. There's two different apartment
4 complexes. And we go around and go into his apartment, and
5 he sat there and he loaded a pipe with weed, and he sat there
6 and looked at the ground and didn't say anything the whole
7 time. And didn't -- didn't say anything.

8 And I remember, like really seriously, like why
9 isn't this guy saying anything? You know. It was weird.
10 And I just -- from then on I thought that guy was really
11 weird. Just with everything going on, and the circumstances,
12 that's just -- it was a bizarre situation.

13 Q. When you say the circumstances and everything
14 going on, what are you referring to?

15 A. Well, like, you know, with people like it seems
16 like there was a lot of hearsay and a lot of stuff going on
17 around that time, you know. And I just remember like talking
18 about it with Quinn and stuff afterwards, and going back
19 again, like, you know, that's bizarre.

20 Q. And you're referring to Leah Freeman's
21 disappearance?

22 A. Yeah. We -- because we would always go back and
23 forth about, you know, who did it and what we thought about
24 it. And -- you know, because I was with Quinn for five
25 years, you know, and she was friends with Nick. She was good

Dustin Graham

1 friends with Nick, and she would always tell me how she
2 didn't thought he did it. And, you know, I should befriend
3 him, you know. And -- and I don't know, he'd come over to
4 the house sometimes and hang out with her, and they would
5 talk, and he would -- and try to befriend me, but I just
6 never felt the friendship connection with him, you know.

7 And --

8 Q. Okay. Now, I'd like to go back to this marijuana
9 smoking thing, okay?

10 A. Mm-hmm.

11 Q. Do you recall in relation to when Leah
12 disappeared, how soon after that this incident occurred with
13 the marijuana? How soon after she disappeared?

14 A. I have -- you know, I have no idea. Like all's
15 I -- all's I relate it to is like -- and I say like around
16 the time, is that when Quinn and I talked about it, you know,
17 after everything had -- and, you know, and like I'm sitting
18 here like, Where was I at this time? You know, because I
19 still don't know what day it was or anything like that. I
20 don't know where I was at the time, you know. And I'm just
21 like is there anything that I know or said or you know,
22 heard, that I could help with, you know. And we'd really
23 seriously go back and talk about it over and over again, you
24 know.

25 And like I lived -- I think over here at this

Dustin Graham

1 Dean Street apartment at the time. And -- and it was around
2 the time when Quinn and I were hooking up and getting
3 together. And I just remember -- like it's really hard for
4 me remember exact details about it, but I just really
5 seriously remember thinking, after the fact, that looking
6 back on it, it was the weirdest thing ever. You know, it's
7 like why is this guy sitting and looking at the floor? You
8 know.

9 Q. Okay. There's some indication, at least from
10 talking to somebody, the police believe that this incident
11 occurred in the early morning hours of June 29th, which would
12 have been the night that Leah disappeared. Do you have any
13 reason to believe that that's not the case, or anything like
14 that?

15 A. No.

16 Q. Do you know Brent Bartley?

17 A. Um, yes, I know Bret -- Brent.

18 Q. How do you know Brent?

19 A. It's Quinn -- through Quinn. Quinn's cousin.

20 Q. All right. And is -- after Leah had disappeared
21 and the weeks, month, or whatever are passing after Leah
22 disappeared, did Bartley ever come over to your apartment and
23 talk about Leah's disappearance?

24 A. He may have. But I'm -- I -- I was not there. I
25 don't know anything about it.

Dustin Graham

1 Q. Do you know a guy named Doobie Marbut (phonetic)?

2 A. Yes, I do.

3 Q. And who is Doobie Marbut?

4 A. Doobie is a guy that I had met at McKay's Market
5 in Coquille, around, you know, this time when I lived over
6 here on Dean Street. And he lived with this lady, this
7 old -- elderly lady named Sandy, and it was a friend of the
8 family. And I came home one day and he was standing on my
9 porch, and he was always at my house from that point until he
10 moved, he was always there, because his neighbor was Sandy
11 and my -- I lived with Jeremy Waterman (phonetic) at the time
12 and they were oh -- like if I wasn't there, Jeremy was there,
13 you know what I mean. And it was just like an open house
14 kind of thing. And Doobie was always there. Because if he
15 wasn't at McKay's, he was there. And then there was a point
16 I think he quit McKay's and was there all the time, and I
17 ended up moving out and it was like my senior year in high
18 school, and I ended up moving out and moving over to my
19 friend's house in Charleston, to finish school, in Coos Bay.

20 Q. Well, the reason I'm asking, do you know where
21 Doobie Marbut is right now?

22 A. I do. He called me the other day.

23 Q. Oh, yeah. Where's he at?

24 A. He is in Washington, I believe, like Spokane.

25 Q. Do you have his phone number?

Dustin Graham

1 A. He called my -- my phone's in my car. I can go
2 get my phone like when we're done, and I'll give you his
3 phone number.

4 Q. Okay. I'd appreciate that. Okay.

5 A. Yeah.

6 Q. Here's the reason I'm asking you about Doobie,
7 and (indiscernible). Okay? Because we have information
8 Doobie Marbut was interviewed by the police back some time.
9 He says he's over at your place, that you're there and
10 Bartley's there.

11 A. Mm-hmm.

12 Q. Okay? And he says Bartley starts talking about
13 some husband someplace had been ripped off for \$5,000. Do
14 you remember if Brent ever talked about --

15 A. I re -- I remember a lot of hearsay going on, and
16 like just a lot of random -- like stuff being said, you know.
17 That may have been said, you know. I don't know. I can't --
18 I can't testify to that because I can't remember.

19 Q. Well, let merun this through this with you, see
20 if you recognize it.

21 According to Mr. Marbut, and he says you were
22 present, Bartley was saying some husband had been ripped off
23 for \$5,000. Leah and Nick had spent the money. That the guy
24 wanted his money back. Leah took the blame, and she was mad
25 about it, and when it came up that she'd take the blame that

Dustin Graham

1 wherever they were at, she left walking. There were five
2 people in a car went looking for her. The five were Bartley,
3 Ricky Crook, Nick, Alicia Michaud, and Bill Sero. And that
4 they found her, they accidentally ran over her, they put her
5 in the trunk, they drove out to Fairview by a rock pile, they
6 found out she was still alive so they beat her to death and
7 then dumped her body.

8 Do you recall ever hearing anything like that
9 before?

10 A. You know, it's -- it sounds very familiar.
11 The -- this story sounds familiar, but I mean, like I said,
12 that is details in there that I don't remember.

13 You know, the money thing, the Nick and -- Leah
14 and Nick and the money thing sounds familiar. I don't
15 remember Brent coming to my house and saying this stuff. I
16 don't remember Doobie stating all this stuff. I may have
17 been at my house. I might have been asleep when they came
18 over. You know, they stayed up late a lot. And.

19 Q. Okay. Do you know who killed Leah Freeman?

20 A. No, I do not.

21 Q. Has anybody ever told you that they killed Leah
22 Freeman?

23 A. No.

24 Q. Anybody tell you that they had something to do
25 with the disappearance of Leah Freeman?

Dustin Graham

1 A. They -- no, not -- not directly. But a friend of
2 mine lived with a guy named Rowdy Howard. And --

3 Q. Okay. Who's the friend?

4 A. My friend's name is Brandon Decker.

5 Q. And what did Brandon tell you?

6 A. Brandon told me -- and this was just recently.
7 And Brandon told me that because -- again, here I am
8 thinking, you know, is there anything I can do to help? And
9 I called him on the phone and I talked to him about it, and
10 he said, Do you remember when I lived with Rowdy? And we
11 started talking about when he lived with Rowdy, and he told
12 me that, Remember, I told you this? And I'm like, No, I
13 don't remember. And he's like, Well, they got -- he told me
14 that they got all high one night, and when I say high I mean
15 on -- on white drugs, methamphetamine.

16 Q. Okay.

17 A. And he told me that -- which is a total, like
18 shocker to me, because like, you know, Brandon and I used to
19 do that stuff back in high school and we both quit, and it
20 was just a shocker that he was still involved with that kind
21 of stuff, I remember, you know, just recently. It was like,
22 God, you know, took you a while to -- to come out of it.

23 And I remember him telling me that Rowdy had said
24 that story to him, that --

25 Q. What story?

Dustin Graham

1 A. The -- the "hit her with the car" story. And
2 I -- I don't recall him saying exactly what happened, but he
3 said they hit her with the car and put her in the trunk and
4 then, you know, blah-blah-blah-blah-blah. And I said, Well,
5 you need to -- you need to talk to the cops about this, you
6 know. And I said, I'm going to talk to -- to Webley about
7 this, and I'm calling him. And I called him.

8 Q. Okay. Now, when Brandon told you this, did -- he
9 said Rowdy said they did this. Who's they?

10 A. Well, he said that -- he said that he -- Brandon
11 had told me that he had admitted to him that he was directly
12 involved.

13 Q. Rowdy had?

14 A. Mm-hmm. And that -- that -- and then Brian told
15 me that -- to -- he's all -- to talk to Katri -- to have him
16 talk to Katrina Stanley, because that was Rowdy's girlfriend,
17 and -- see, Brandon and -- and this Katrina girl, Brandon's
18 girlfriend Michelle Bruggerman (phonetic), worked at the
19 Bachelor's Inn strip club in Coos Bay. And that's why I
20 think Rowdy lived at his house, because they were -- those
21 girls were stripping together at the BI.

22 And they're real shady people, man. I never -- I
23 used to stop at his house on the way by to go -- when I was
24 surfing, because I was good friends with Brandon, and always
25 have been, you know. And I'd just stop by to say hi once in

Damon Mason

1 a while. And they'd be there. And just thought it was
2 weird, you know, Brandon's hanging out with these strippers
3 and this weird guy. But he told me that, you know.

4 Q. Okay. Now, is there anything -- well,
5 (indiscernible). Is there anything else you think the grand
6 jury needs to know about Leah's death that you haven't --
7 outside of what you told us?

8 A. No.

9 MR. FRAZIER: Okay.

10 GRAND JUROR: What is Rowdy's last name?

11 THE WITNESS: Howard.

12 GRAND JUROR: And what was his girlfriend's name?

13 THE WITNESS: Katrina Stanley. We used to call
14 him Rowdwick. We made fun of him because he was always high.

15 GRAND JUROR: Thank you.

16 MR. FRAZIER: Okay. Any other questions?

17 All right. You're free to go, sir.

18 THE WITNESS: Thank you.

19 Oh, do you want that phone number?

20 MR. FRAZIER: Yeah.

21 **TESTIMONY OF DAMON MASON**

22 (Witness sworn.)

23 BY MR. FRAZIER:

24 Q. Could you tell us your -- well, give me your
25 name, please, sir, and where you live.

TJ Greave

3

1 COQUILLE, OREGON; JULY 23, 2010; 6:13 P.M.

2 TESTIMONY OF TJ GREAVES

3 (Witness sworn.)

4 BY MR. FRASIER:

5 Q. Okay. First of all, sir, this is the grand jury
6 for Coos County, and we're looking into the disappearance and
7 death of Leah Freeman. And before we get started here I need
8 to advise you, though it's obvious, that we're recording the
9 proceedings. Okay?

10 A. I understand.

11 Q. All right. First of all, sir, could you tell us
12 your name and where you live, sir.

13 A. My name is Trinity Greave. I live at 1201
14 Shelley Road, Apartment 38.

15 Q. And are you sometimes known as TJ?

16 A. Yep.

17 Q. Back in the year 2000, where were you living then
18 (indiscernible)?

19 A. I was living at the end of Third Street. 1360
20 Canyon Way is what it's called. It was Canyon Way then,
21 they've changed it to Third Street now.

22 Q. Okay. And that's, if you're going to the
23 Washington School, on the north side of the parking --

24 A. Yeah, you go past Washington School, down the
25 gravel road, and it's about an eighth of a mile down there.

TJ Greave

4

1 Q. And how long did you live there, sir?

2 A. Um, I think six years, at that time.

3 Q. Are you familiar with an individual named Nick
4 McGuffin?

5 A. Yes, I am.

6 Q. And how do you know Mr. McGuffin?

7 A. I went to school with him, all through high
8 school.

9 Q. And how close would you say you were, him and
10 you?

11 A. More of acquaintances. I knew of him. You know,
12 we seen each other. We knew each other, but we didn't really
13 like hang out as friends or anything like that, besides maybe
14 basketball at school or something like that.

15 Q. Okay. Do you know or were you aware of a girl
16 named Leah Freeman?

17 A. Yes.

18 Q. And how did you know her?

19 A. I didn't know her. I had met her the -- a day --
20 the day before she disappeared.

21 Q. And how did you meet her the day before?

22 A. With Nick McGuffin.

23 Q. And where was --

24 A. He introduced her to me.

25 Q. And where was that at?

TJ Greave

5

1 A. This was at Daniel Lapine and Brent Bartley's
2 house on Dean Street.

3 Q. And that's the only time you ever saw those two
4 together?

5 A. Yep.

6 Q. Now, do you know Alicia Michaud?

7 A. Yes, I do.

8 Q. How do you know Alicia?

9 A. I went to school with her also.

10 Q. How close would you say you are to Alicia?

11 A. We're friends. We don't keep in contact after
12 high school, but we were pretty good friends in high school.
13 We talked almost every day.

14 Q. Okay. Danny Lapine or Daniel Lapine?

15 A. Yeah, I was friends with him too, during school.
16 But like I -- he went to prison for a while, and we don't
17 really keep in touch after high school.

18 Q. Well, I want to talk with you a little bit about
19 the events of the day that Leah Freeman disappeared. I guess
20 that would be the day after you first met her.

21 Do you recall having a bunch of people over to
22 your house, either during the day or at night?

23 A. Uh, that night -- or not the day of her
24 disappearance, but the day before, I did have a few people
25 over at my house.

TJ Greave

1 Q. Was Alicia Michaud over at your house?

2 A. No, she was not.

3 Q. Do you know if Danny Lapine came over to your
4 house that day?

5 A. I don't believe he did. He did call once, that
6 night that she had disappeared, looking for her. But he
7 never did come by.

8 Q. Okay. What about Nick McGuffin --

9 A. Uh, he wasn't over either.

10 Q. The reason I'm asking these questions, sir, is
11 we've talked to several people and they -- you know, for
12 example, I believe Quinn Cannon previously testified that she
13 was with Danny Lapine that day and that there was going to be
14 some sort of get-together there. And she didn't go, but
15 Danny went over to your house the night that Leah
16 disappeared.

17 A. Okay.

18 Q. And so I guess my question, are you sure that
19 your guests that day were --

20 A. I -- I can't be positive that he wasn't there.
21 He may have come in and, you know, not made it all the way in
22 the house. Could have been outside with people, but I just
23 never saw him.

24 Q. And Alicia Michaud, we're going to be hearing
25 from her later today, but in statements she's made to police

TJ Greave

7

1 she indicated she'd been at your place that night; stayed the
2 night, even.

3 A. Really.

4 Q. Yeah.

5 A. Okay.

6 Q. So do you recall that at all?

7 A. No, I don't recall seeing her at all. But, I
8 mean, I was under the influence pretty heavily that night
9 also.

10 Q. Okay. Under the influence of what?

11 A. Alcohol.

12 Q. Then your relationship with -- or I shouldn't say
13 relationship. In your contacts with Alicia Michaud, has she
14 ever told you anything about what happened to Leah Freeman?

15 A. No.

16 Q. And has she ever mentioned anything about a car
17 running over somebody such as Leah Freeman?

18 A. Um, she may have, but a lot of people say that,
19 just because they -- that kind of talk was going around, so.

20 Q. Okay. Do you know a Bill Sero?

21 A. I knew of him.

22 Q. Okay.

23 A. And I had seen him before. I didn't know him
24 personally. I'd never met him before, but I knew of him.

25 Q. Okay. Tom Stemmerman?

TJ Greave

8

1 A. No.

2 Q. I guess what I'm trying to get to, sir, has
3 anybody told you that they caused harm to Leah Freeman in any
4 way?

5 A. Um, no.

6 Q. You kind of hesitated there.

7 A. We -- I've heard stories, but I've never heard
8 anybody say that they knew for sure that that's what's
9 happened, or that's what they thought happened.

10 Q. Do you know who killed Leah Freeman?

11 A. No.

12 Q. I don't think I have any other question for you,
13 sir. Is there anything you know that the grand jury should
14 know about Leah Freeman's death or disappearance?

15 A. No, sir.

16 MR. FRASIER: All right. That's all the
17 questions I have for you. Does the grand jury want to ask
18 him anything?

19 GRAND JUROR: You said you met Leah the day
20 before she disappeared.

21 THE WITNESS: Yep.

22 GRAND JUROR: With Nick?

23 THE WITNESS: Yes, with Nick.

24 GRAND JUROR: Okay. But the day of her
25 disappearance Nick didn't come over?

TJ Greave

9

1 THE WITNESS: Well, it did -- I -- I'm not
2 exactly sure when she disappeared, so I don't know if it was
3 that night of the day that I met her or if it was the next
4 day. All I know is they started looking for her the next
5 day. Some people were saying, you know, nobody's seen her.
6 So I met her that day, and I guess that night was the last
7 time she was seen.

8 BY MR. FRASIER:

9 Q. Okay. Well, now let me back up here, because
10 I'm -- that night, you had a get-together at your place?

11 A. Mm-hmm.

12 Q. And it's the next day that they are looking for
13 Leah?

14 A. Yeah.

15 Q. All right. Well, let's talk about that night.

16 A. Okay.

17 Q. Who all was at your house?

18 A. Um, Anthony Fowler, who's a good friend of mine.
19 Josh Thompson. Willie Blum (phonetic). Chris Seeger
20 (phonetic). My sister, Tasha Greave. Uh, my cousin Chris
21 Miller. And a few other people came in and out, but like I
22 said, I -- I don't know who (indiscernible).

23 Q. Was Danny Lapine one of the them?

24 A. He could have been.

25 Q. Okay. Alicia Michaud, was she there?

TJ Greave

1 A. She says she was, but I don't remember seeing
2 her.

3 Q. Okay.

4 A. So.

5 Q. There's a -- did you ever go with Alicia to pick
6 to get her -- she had a baby at that time; is that right?

7 A. I believe she did.

8 Q. And do you recall ever going with Alicia down to
9 Safeway so she could drop her baby off with her parents?

10 A. Mm, I was never there for that.

11 MR. FRASIER: Okay. All right. Go ahead.

12 Anybody else have questions?

13 GRAND JUROR: How many bedrooms were at this
14 house that you --

15 THE WITNESS: At my parents' house?

16 GRAND JUROR: (Indiscernible).

17 THE WITNESS: It's three bedroom, two living
18 rooms, two bathrooms.

19 GRAND JUROR: So is it possible that Alicia was
20 there with somebody else and spent --

21 THE WITNESS: The -- it's very possible that they
22 could have been there, because I did go to sleep early that
23 night.

24 GRAND JUROR: You said Alicia, you were friends
25 with her in school?

TJ Greave

11

1 THE WITNESS: Mm-hmm.

2 GRAND JUROR: Now, did -- were you in high school
3 or -- at the time --

4 THE WITNESS: Yeah, we were both in high school.

5 GRAND JUROR: Did she drop out of high school?

6 THE WITNESS: I don't know if she dropped out or
7 got kicked out, I'm not really sure.

8 GRAND JUROR: But I guess my question is, is were
9 you --

10 THE WITNESS: Did she stop going?

11 GRAND JUROR: Yeah.

12 THE WITNESS: That I noticed? I don't know. Now
13 that I think about it, I don't really notice if she kept
14 going to school except -- you know. I don't think we had any
15 classes together, anyway.

16 GRAND JUROR: Okay. So you were -- well, it was
17 summer at that point anyway.

18 THE WITNESS: Right. Yeah. But I don't remember
19 if she was still attending school or not.

20 GRAND JUROR: Okay. Who did you live with that
21 would -- may have been with Alicia that night, if she was
22 there?

23 THE WITNESS: Psssh.

24 GRAND JUROR: Who lived in the house?

25 THE WITNESS: My parents, but they were gone.

C. Wright

1 GRAND JUROR: And people spent the night that
2 night?

3 THE WITNESS: Mm-hmm.

4 GRAND JUROR: But you don't know who --

5 THE WITNESS: I don't know who all stayed the
6 night. The next day it was just me there, so I don't know
7 where -- what happened after I went to sleep.

8 GRAND JUROR: So when you woke up in the morning,
9 there was no one else --

10 THE WITNESS: No one was there. It was just a
11 big mess, yeah.

12 GRAND JUROR: Did you own a car or vehicle at the
13 time?

14 THE WITNESS: No.

15 GRAND JUROR: Okay.

16 MR. FRASIER: Okay. Any other questions?

17 Okay, sir. That will do it. You're free to go.

18 THE WITNESS: All right.

19 **TESTIMONY OF CRYSTAL WRIGHT**

20 (Witness sworn.)

21 BY MR. FRASIER:

22 Q. First of all, this is the grand jury for Coos
23 County.

24 A. Okay.

25 Q. And we're looking into the death or disappearance

Lyndee Stidham

1 the county shop?

2 A. Yes.

3 Q. Don't mean to embarrass you or anything, but
4 there was a rumor floating around at one time that you might
5 have had something to do with Leah Freeman's disappearance,
6 and I'm just going to ask you that straight up.

7 Did you have anything to do with her
8 disappearance?

9 A. Absolutely not.

10 Q. And do you know anything about the death of Leah
11 Freeman, other than what you've told us here today?

12 A. I do not.

13 Q. Is there anything else you think the grand jury
14 needs to know I haven't asked you about?

15 A. I really don't know anything.

16 MR. FRAZIER: Okay. Does the grand jury want to
17 ask him any questions?

18 You can go back to Eugene or Springfield or
19 wherever.

20 THE WITNESS: Thank you, folks.

21 **TESTIMONY OF LYNDEE STIDHAM (KINDRED)**

22 (Witness sworn.)

23 BY MR. FRAZIER:

24 Q. Okay. First of all, this is the grand jury for
25 Coos County, and we are investigating the death of Leah

Lyndee Stidham

1 Freeman. And it's kind of obvious, but we're recording the
2 proceedings. Just wanted to let you know that. All right?

3 First of all, could you tell us your name,
4 please, and where you live.

5 A. My name is Lyndee Stidham. I live in Medford,
6 Oregon. My former name is Lyndee Kindred.

7 Q. And you used to live here in Coquille; is that
8 correct?

9 A. No, I live in Medford.

10 Q. Yeah. But you used to live --

11 A. Oh, yes. I lived in Coquille before, yeah.

12 Q. Grew up in Coquille?

13 A. Mm-hmm.

14 Q. And went high school here?

15 A. Yep.

16 Q. I want to direct your attention to the year 2000.
17 Were you -- you were a student at the Coquille High School at
18 that time?

19 A. Yeah, I graduated in 2001.

20 Q. Okay. So you would have been -- the summer of
21 2000 would have been the summer before your senior --

22 A. Before my senior year.

23 Q. All right. Did you know an individual named Nick
24 McGuffin?

25 A. Yes.

Lyndee Stidham

1 Q. And how did you know him?

2 A. We were friends. We dated for a little bit, but
3 not necessarily like date-date.

4 Q. Okay.

5 A. We weren't a couple, but we hung out and kind of
6 dated.

7 Q. How close would you say you were with him?

8 A. Uh, we were good friends for a couple of months.
9 But mostly through high school we were more acquaintances.

10 Q. Did you know Leah Freeman?

11 A. Yes.

12 Q. And how did you know her?

13 A. We went to school together.

14 Q. And how well did you know her?

15 A. Not very well. We never hung out.

16 Q. Were you aware that Nick and Leah were
17 boyfriend-girlfriend?

18 A. Yes.

19 Q. Did you see them together at the -- at school and
20 things along that line?

21 A. Mm-hmm.

22 Q. Did you have an opportunity to see their
23 relationship?

24 A. Not really.

25 Q. Okay.

Lyndee Stidham

1 A. No. That was after Nick and I weren't really
2 hanging out anymore, or --

3 Q. Okay.

4 A. So I didn't really pay much attention to him.

5 Q. Well, I want to talk to you about the evening of
6 June 28th, 2000, and that's the day that Leah disappeared.

7 A. That was a Wednesday; is that right?

8 Q. Yes, I believe so. I've gone back and looked at
9 your police report, and you testified at the grand jury
10 originally --

11 A. Yes.

12 Q. -- several years ago?

13 A. Mm-hmm.

14 Q. Or back in 2000?

15 You used to be involved in Sawdusters; is that
16 right?

17 A. Yes.

18 Q. What would you do with the Sawdusters?

19 A. I was in the Olios.

20 Q. And were you doing it that summer?

21 A. Yes.

22 Q. And had you had practice? Did you have practice
23 on --

24 A. I had practice on Wednesday nights, from 7:00 to
25 9:00, and I usually left about 9:15, 9:30.

Lyndee Stidham

1 Q. And where did you live at that time?

2 A. At my parents's, in Coquille, 1223 West 9th.

3 Q. And where's that located in --

4 A. Sanford Heights.

5 Q. Sanford Heights.

6 Were you aware of Leah Freeman staying with her
7 grandfather --

8 A. On Knott Street?

9 Q. On Knott Street?

10 A. Mm-hmm.

11 Q. Is Knott Street the street you drive by?

12 A. Yes.

13 Q. Okay. To get to your -- where you were living?

14 A. Yes.

15 Q. Do you recall if you saw Nick McGuffin that
16 evening?

17 A. You know, my memory from then is so blurred. I
18 remember stopping and talking to Nick, but I don't remember
19 where. I just looked at my statement out there, and it says
20 I talked to him that night, but --

21 Q. Okay.

22 A. -- to be honest with you, I don't --

23 Q. Remember where you were when you talked to him.
24 Okay.

25 Your previous statements, you indicated that it

Lyndee Stidham

1 was on Knott Street?

2 A. Yeah, I just read that.

3 Q. And that you -- he asked you if you'd seen Leah.
4 And do you recall that at all?

5 A. No, I did not see her.

6 Q. Well, did he ask you?

7 A. Oh, did he ask? I remember -- I remember him
8 asking me. See, I -- I remember talking to him in Sanford
9 Heights, at one point, and I remember talking to him at Dairy
10 Queen or whatever used to be --

11 Q. Okay.

12 A. -- at the Dairy Queen, if that was Hunter's at
13 the time; I'm not sure. I think it was him and Denise, but
14 that was a couple nights later, I think. And I think when I
15 talked to Nick up in Sanford Heights I was by myself, but I
16 might have been with a friend.

17 Q. Okay. When you talked to him in Sanford Heights,
18 well, had you see Leah that night?

19 A. No.

20 Q. How was Nick behaving when you -- from the
21 contact you did with him how was he behaving?

22 A. He was really worried about where she was and
23 hoping that I knew or I'd seen something, and had heard
24 anything. And he seemed really concerned, legitimately
25 concerned.

Lyndee Stidham

1 Q. All right. Since the 2000, since the
2 disappearance of Leah, have you had any contact with Nick
3 McGuffin?

4 A. No. I've seen him across the street and stuff,
5 but --

6 Q. Okay. Have you ever talked with him about what
7 happened to Leah or anything like that?

8 A. No.

9 Q. Um --

10 A. Like I said, after my sophomore year, when -- we
11 didn't really talk at all.

12 Q. Do you have any knowledge as to what happened to
13 Leah Freeman?

14 A. No.

15 MR. FRAZIER: I think I'm out of questions here.
16 Is there anything that you feel the grand jury needs to know
17 about this case?

18 THE WITNESS: No. I don't -- to be honest with
19 you, everything is ten years ago, blur. I didn't -- I
20 remember saying I didn't know anything then, and -- sorry.

21 MR. FRAZIER: Okay.

22 GRAND JUROR: So you were stoned?

23 THE WITNESS: (Laughing.) No. No. Not at all.

24 GRAND JUROR: Some of the witnesses we've talked
25 to have memory problems because of extensive drug use.

Daniel Lapine

1 THE WITNESS: No, I never -- never did any drugs.
2 With my friends as teachers, it was not -- (laughing).

3 GRAND JUROR: I knew that, but I wanted to make
4 sure it was clear.

5 THE WITNESS: Yes. No.

6 GRAND JUROR: I know your dad, so.

7 THE WITNESS: Never went near them.

8 GRAND JUROR: Okay. Now, this doesn't have
9 anything to do with the case, but do you miss Sawdusters?

10 THE WITNESS: Very much so. Very, very much so.
11 More than anything, the connection with my dad and stuff,
12 doing it.

13 MR. FRAZIER: Okay. Any other questions?

14 If not, then I think that will do it.

15 THE WITNESS: Okay. So you guys don't have any
16 questions about it?

17 GRAND JUROR: Thank you. No.

18 MR. FRAZIER: That's it, and you can go back to
19 Ashland.

20 **TESTIMONY OF DANIEL LAPINE**

21 (Witness sworn.)

22 BY MR. FRAZIER:

23 Q. First of all, sir, this is the grand jury for
24 Coos County, and we're looking into the death of Leah
25 Freeman. And I need to advise you, even though it's obvious,

Amanda Landmark

1 been exposed, because there was no sock on it. Other than
2 that, there was clothing, but what I could see was
3 decomposed.

4 MR. FRAZIER: I don't think I have any other
5 questions for Officer Wetmore. Does the grand jury want to
6 ask him anything? Okay.

7 THE WITNESS: Thank you.

8 MR. FRAZIER: You can go back to work.

9 **TESTIMONY OF AMANDA LANDMARK**

10 (Witness sworn.)

11 BY MR. FRAZIER:

12 Q. First of all, could you tell us your name,
13 please.

14 A. Amanda Landmark.

15 Q. And where do you live (indiscernible)?

16 A. 58864 Fairview Road, Coquille, Oregon.

17 Q. This is the grand jury for Coos County, and we're
18 looking into the death of Leah Freeman. Kind of obvious, but
19 I need to tell you we are recording the proceedings.

20 A. I see.

21 Q. Okay?

22 First of all, ma'am, how long have you lived in
23 the Coquille area?

24 A. Since I was 12, so 13 years.

25 Q. And in the year 2000 -- well, I'm not supposed to

Amanda Landmark

1 ask this, according to my mom, but -- or according to my
2 wife. But how old were you in the year 2000?

3 A. 17, 18.

4 Q. And were you a student at the Coquille High
5 School at the time?

6 A. Yes, sir.

7 Q. Did you know an individual named Nick McGuffin?

8 A. Yes, sir.

9 Q. And how did you know Mr. McGuffin?

10 A. I had grown up with him since the third grade.

11 Q. How close would you say you were?

12 A. Pretty close.

13 Q. Did you know Leah Freeman?

14 A. No. Acquaintantly, like. But not.

15 Q. Did you know if Mr. McGuffin and Ms. Freeman were
16 a boyfriend-girlfriend?

17 A. Yes.

18 Q. Did you have an opportunity at all to see how
19 they interacted between themselves?

20 A. No.

21 Q. I want to direct your attention now to the day
22 that Leah disappeared, which would have been June 28th of the
23 year 2000. At approximately 9:30 in the evening, were you at
24 the -- what's known as the Fast Mart here in Coquille?

25 A. If that's what's written down from ten years ago,

Amanda Landmark

1 yes, I was.

2 Q. And did you see Mr. McGuffin at the parking lot
3 there?

4 A. Apparently. I -- I -- from ten years ago, it's
5 hard to recall who, what, where, when, and why. But that's
6 what he had taken a statement down from ten years ago, and so
7 that's what I'm sticking with.

8 Q. Okay. Do you recall this at all?

9 A. No.

10 Q. All right. Do you recall seeing Mr. McGuffin at
11 the Fast Mart?

12 A. I don't recall that.

13 Q. Do you recall him asking you if you had seen
14 Leah?

15 A. I don't recall it, sir.

16 Q. And you -- do you recall him telling you that
17 Leah had been in an argument with Sherry Mitchell (phonetic)?

18 A. I don't recall it.

19 Q. Okay. Have you had any contact with Mr. McGuffin
20 since Leah disappeared?

21 A. Uh, just bumping into him in public.

22 Q. Has Mr. McGuffin discussed with you what this
23 happened -- or what happened to Leah Freeman?

24 A. No.

25 Q. Do you know what happened to Leah Freeman?

Tony Messerle

1 A. No.

2 MR. FRAZIER: All right. I don't think I have
3 any other questions for her. Does the grand jury have any
4 questions for her?

5 GRAND JUROR: So you have no recall of any of the
6 statements that you gave?

7 THE WITNESS: I don't. Unfortunately. Sorry.

8 MR. FRAZIER: That's okay.

9 THE WITNESS: Ten years ago is ten years ago.

10 MR. FRAZIER: Okay. Any other questions?

11 Is there anything you think the grand jury ought
12 to know about this case?

13 THE WITNESS: I don't have any pertinent
14 information.

15 MR. FRAZIER: All right. Okay. Unless there is
16 any questions, that will be it.

17 THE WITNESS: Okay. Thanks, you guys. Have a
18 great day.

19 MR. FRAZIER: Thank you.

20 **TESTIMONY OF TONY MESSERLE**

21 (Witness sworn.)

22 BY MR. FRAZIER:

23 Q. Well, first of all, sir, this is the grand jury
24 for Coos County, and we're looking into the death of Leah
25 Freeman. I think it's obvious, but I got to tell you we are

Daniel Lapine

1 THE WITNESS: No, I never -- never did any drugs.
2 With my friends as teachers, it was not -- (laughing).

3 GRAND JUROR: I knew that, but I wanted to make
4 sure it was clear.

5 THE WITNESS: Yes. No.

6 GRAND JUROR: I know your dad, so.

7 THE WITNESS: Never went near them.

8 GRAND JUROR: Okay. Now, this doesn't have
9 anything to do with the case, but do you miss Sawdusters?

10 THE WITNESS: Very much so. Very, very much so.
11 More than anything, the connection with my dad and stuff,
12 doing it.

13 MR. FRAZIER: Okay. Any other questions?

14 If not, then I think that will do it.

15 THE WITNESS: Okay. So you guys don't have any
16 questions about it?

17 GRAND JUROR: Thank you. No.

18 MR. FRAZIER: That's it, and you can go back to
19 Ashland.

20 **TESTIMONY OF DANIEL LAPINE**

21 (Witness sworn.)

22 BY MR. FRAZIER:

23 Q. First of all, sir, this is the grand jury for
24 Coos County, and we're looking into the death of Leah
25 Freeman. And I need to advise you, even though it's obvious,

Daniel Lapine

1 that we're recording these proceedings today.

2 Okay. You understand that?

3 A. Yes.

4 Q. All right. First of all, could you tell us your
5 name, please, sir, and where you reside.

6 A. Daniel Lapine. 1051 Avenue A, Powers, Oregon.

7 Q. How long have you lived in Powers, sir?

8 A. One year.

9 Q. Have you lived in the city of Coquille before?

10 A. Yes, I have.

11 Q. How old are you, sir?

12 A. 30.

13 Q. In the year 2000, you would have been 20?

14 A. Right.

15 Q. And when you -- in the year 2000, were you living
16 in a house here in Coquille?

17 A. Right.

18 Q. And who -- did you have roommates?

19 A. Yes, I did.

20 Q. And who were your roommates?

21 A. Brent Bartley.

22 Q. How long had you lived with Mr. Bartley?

23 A. Mm, I wouldn't -- I'm not sure. Probably two or
24 three months.

25 Q. Do you know an individual named Nick McGuffin?

Daniel Lapine

1 A. Yes, I do.

2 Q. How do you know Mr. McGuffin?

3 A. We went to school together.

4 Q. And how well would you say you know Mr. McGuffin?

5 A. Mm, no better than acquainting to.

6 Q. Did he ever come over to your house that you
7 shared with Mr. Bartley?

8 A. Yeah.

9 Q. About how often would he come over?

10 A. Mm, I'm not sure. Probably close to every day.
11 Maybe a little bit less.

12 Q. And when he came over, who was he primarily
13 trying to see or be with?

14 A. Uh, he's friends with Brent.

15 Q. Do you know Leah Freeman, or did you know Leah
16 Freeman?

17 A. I've met her.

18 Q. How did you know her or how did you meet her?

19 A. Nick would bring her around the fire (phonetic).

20 Q. Was -- from what you could see, was Leah and
21 Nick, were they boyfriend-girlfriend?

22 A. Yes, they were.

23 Q. How well did they get along?

24 A. I couldn't say.

25 Q. Did they look like they were getting along well?

Daniel Lapine

1 A. I never seen them fighting or nothing, no.

2 Q. Okay. Mr. Lapine, just so we're clear too, I
3 have to ask you this question. You've had some trouble with
4 the law before; is that correct?

5 A. Right.

6 Q. And you have a felony conviction; is that
7 correct?

8 A. Yes, I do.

9 Q. How many felonies?

10 A. One felony.

11 Q. Just one? And what is that felony?

12 A. Assault 2.

13 Q. And you actually got prison time for that?

14 A. Yes, I did.

15 Q. And you're on parole at this time?

16 A. Yeah.

17 Q. All right. I want to go to the day of June 28th,
18 2000. That would have been the day that Leah Freeman
19 disappeared. Are you acquainted with an individual named --
20 referred to as TJ Greaves?

21 A. Yeah.

22 Q. And how did you know TJ Greaves?

23 A. Went to school together.

24 Q. Did you spend any time at Mr. Greaves' house that
25 day?

Daniel Lapine

1 A. Yes, I did.

2 Q. Why don't you tell us how you spent the day, as
3 best you can recall?

4 A. Drinking.

5 Q. Okay. Where were you at?

6 A. His parents' house.

7 Q. And where was that?

8 A. Um, just down the gravel road past Washington
9 School. I don't know the address.

10 Q. All right. So the Washington School is just a
11 couple of blocks down the way here from the courthouse?

12 A. Yeah. It's -- it's like where the playground is,
13 is a little gravel road that dips down and goes a little
14 ways.

15 Q. Okay.

16 A. I couldn't tell you much more than that. I went
17 there a couple a times.

18 Q. And when did you -- to the best of your
19 recollection, when did you go over to TJ's house that day?

20 A. Oh, early. I wouldn't say any later than noon,
21 (indiscernible).

22 Q. How long did you stay?

23 A. Mm, probably back and forth until probably four
24 o'clock or so, I would think.

25 Q. When you say back and forth, what do you mean,

Daniel Lapine

1 back and forth?

2 A. Running around.

3 Q. Did you have a girlfriend at the time?

4 A. Mm, probably on and off, yeah.

5 Q. And was that Quinn Cannon?

6 A. Yeah.

7 Q. Did you see Nick McGuffin the evening of June
8 28th, 2000, the day Leah disappeared?

9 A. I heard he was at my house, but I don't remember
10 seeing him.

11 Q. Did he ever come out to TJ Reaves' house while
12 you were there?

13 A. Not that I remember, no.

14 Q. Did you see him the following day, the day after
15 Leah disappeared?

16 A. I believe so. I'm not sure, but I remember them
17 running back and forth.

18 Q. Did he ask you at any time if you'd seen Leah?

19 A. I remember him asking quite often.

20 Q. Had you seen Leah?

21 A. Um, not that I know of.

22 Q. Does Nick tell you that Leah Freeman is missing?

23 A. I can't remember.

24 Q. Mr. Lapine, there's a -- one of the rumors
25 floating around here in Coquille is that there was some sort

Daniel Lapine

1 of a party the night Leah disappeared out in Fairview. And
2 the rumor has you attending a party that night out in
3 Fairview. Do you know anything about a party in Fairview
4 that night?

5 A. Absolutely not.

6 Q. And I take it you did not go to a party in
7 Fairview?

8 A. No. You'll find in police records of that night
9 that Jim Lee (phonetic) had stopped me and my buddies right
10 in front of my house.

11 Q. Okay. All right.

12 So the rumor is also that Nick and Leah were at a
13 party, at this party in Fairview.

14 A. I don't even know of a party out in Fairview.

15 Q. Okay. Let me ask you a question, I think I know
16 the answer, and it's probably a stupid question, but I'll ask
17 anyway.

18 You were not at a party with Nick and Leah the
19 night that she disappeared?

20 A. Absolutely not.

21 Q. Do you know Alicia Michaud?

22 A. Yes, I do.

23 Q. And how do you know Alicia Michaud?

24 A. We went to school together.

25 Q. Has she told you anything about the Leah Freeman

Daniel Lapine

1 case?

2 A. Not -- I mean, the discussions about this case,
3 about her being gone was talked about a lot, but she didn't
4 say anything significant.

5 Q. Did she ever tell you, I know too much about Leah
6 Freeman's disappearance?

7 A. I believe so. Oh. She said -- yeah, she said
8 some weird stuff, kind of, yeah.

9 Q. What kind of weird stuff do you recall her
10 saying?

11 A. That she's saying she had bad vibes and all crazy
12 stuff like that. I'm -- I can't even remember exactly all
13 the words, but, yeah, she was kind of freaking out.

14 Q. Did she ever say she was in a car that ran Leah
15 Freeman over?

16 A. No.

17 Q. Did she ever say somebody named Bill Sero or Tom
18 Stemmerman had run over Leah with a car?

19 A. No.

20 Q. Did she ever tell you that Leah got run over by a
21 car?

22 A. No.

23 Q. All right. The police officers have brought to
24 my attention they found an individual who apparently has
25 indicated that you told this person that you knew who killed

Daniel Lapine

1 Leah Freeman, but before you can reveal that information you
2 needed to talk to your mother. And then this same person is
3 saying at a later time your mother told you not to talk about
4 what happened.

5 A. You need to -- um, my mother wouldn't say that,
6 you know.

7 Q. Okay. Do you know who killed Leah Freeman?

8 A. I don't know who killed Leah Freeman.

9 Q. Since the year 2000, have -- well, do you know
10 what happened to Leah Freeman? Let me ask you that question.

11 A. No.

12 Q. Has anybody told you that they killed Leah
13 Freeman?

14 A. They never said Leah Freeman's name.

15 Q. Okay.

16 A. So I don't -- I can't say they said they killed
17 her, but somebody said that they snapped a girl's noodle.

18 Q. And who was this somebody?

19 A. It was Bill Sero.

20 Q. Bill Sero said he snapped somebody's noodle?

21 A. Right.

22 Q. Has anybody else indicated to you that they might
23 have caused harm to somebody, without naming names?

24 A. That -- what do you mean, caused harm to
25 somebody.

Daniel Lapine

1 Q. Well, okay. I want to say this. Has anybody
2 told you that they were involved in the murder of a young
3 girl?

4 A. No.

5 Q. Has anybody told you they were involved in the
6 disappearance of a young girl?

7 A. No.

8 Q. Since the year 2000, have you ever spoken -- have
9 you had contact with Mr. McGuffin, Nick McGuffin?

10 A. The year 2000? I imagine I have, yeah.

11 Q. Have you ever talked with Nick McGuffin about
12 what happened to Leah Freeman?

13 A. Mm, I'm sure it's been brought up, but we're --
14 there's never been any answers, you know. I -- I don't know
15 anything about it.

16 Q. Do you have any information about the death of
17 Leah Freeman?

18 A. No.

19 Q. Is there anything you think this grand jury needs
20 to know regarding the death or disappearance of Leah Freeman?

21 A. From me?

22 Q. Yeah, from you.

23 A. Um, I've said about all I know.

24 Q. Okay. All right. I don't think I have any other
25 questions for Mr. Lapine. Does the grand jury want to ask

Quinn Myers

1 him anything?

2 GRAND JUROR: Yes. One -- in what context did
3 Bill say that? What provoked that statement?

4 THE WITNESS: Um, he was -- he was -- I know he
5 was intoxicated -- I'm pretty sure he was intoxicated. He
6 was -- had his eyes -- he was basically out of it, and he was
7 just mumbling and stuff.

8 And I was kind of shocked, you know. And that's
9 -- I assumed that's what he was talking about, but I can't
10 say -- now, I can't say for sure that's what he was talking
11 about.

12 GRAND JUROR: He was just incoherent and
13 rambling, kind of thing?

14 THE WITNESS: Yeah.

15 GRAND JUROR: How long after -- tell a time
16 frame.

17 THE WITNESS: I wouldn't say quite a year --

18 GRAND JUROR: After the incident?

19 THE WITNESS: Yeah.

20 MR. FRAZIER: Any other questions?

21 Okay, sir. That will do it. You're free to go.

22 THE WITNESS: You guys have a good day.

23 **TESTIMONY OF QUINN MYERS** (Cannon)

24 (Witness sworn.)

25 BY MR. FRAZIER:

Damon Mason

1 a while. And they'd be there. And just thought it was
2 weird, you know, Brandon's hanging out with these strippers
3 and this weird guy. But he told me that, you know.

4 Q. Okay. Now, is there anything -- well,
5 (indiscernible). Is there anything else you think the grand
6 jury needs to know about Leah's death that you haven't --
7 outside of what you told us?

8 A. No.

9 MR. FRAZIER: Okay.

10 GRAND JUROR: What is Rowdy's last name?

11 THE WITNESS: Howard.

12 GRAND JUROR: And what was his girlfriend's name?

13 THE WITNESS: Katrina Stanley. We used to call
14 him Rowdwick. We made fun of him because he was always high.

15 GRAND JUROR: Thank you.

16 MR. FRAZIER: Okay. Any other questions?

17 All right. You're free to go, sir.

18 THE WITNESS: Thank you.

19 Oh, do you want that phone number?

20 MR. FRAZIER: Yeah.

21 **TESTIMONY OF DAMON MASON**

22 (Witness sworn.)

23 BY MR. FRAZIER:

24 Q. Could you tell us your -- well, give me your
25 name, please, sir, and where you live.

Damon Mason

1 A. My name's Damon Mason. I live at 692 West 15th
2 Street, Coquille.

3 Q. Mr. Mason, this is the grand jury for Coos
4 County.

5 A. Okay.

6 Q. And we're looking into the death of Leah Freeman.
7 I need to tell you that -- it's obvious, but we're recording
8 the proceedings, okay?

9 Since the air conditioner kicked on, we'll need
10 you to make sure you pick up -- or speak up.

11 A. Oh, okay. All right.

12 Q. First of all, sir, you live here in Coquille; is
13 that right?

14 A. I do now, yes.

15 Q. And how -- did you grow up here in Coquille?

16 A. I graduated from high school here.

17 Q. And after you graduated from high school, did you
18 go into the military for a --

19 A. Yes, I did.

20 Q. -- period of time?

21 A. Around two years.

22 Q. Did you have a girlfriend here in Coquille?

23 A. Yes.

24 Q. And --

25 A. Yes, I do.

Damon Mason

1 Q. Who was your girlfriend?

2 A. Her name was Julianna Clawson (phonetic).

3 Q. Are you familiar with the McGuffin family?

4 A. Yes, I am.

5 Q. How do you know the McGuffins?

6 A. Went to school with them.

7 Q. And which McGuffins did you go to school with?

8 A. Um, Wayne was in my class, we graduated together.

9 Nick was younger than I was.

10 Q. And what year did you graduate?

11 A. '98.

12 Q. How close were you with Wayne?

13 A. I was fairly close. He was a friend that I hung
14 out with quite a bit until I graduated from high school and
15 left to the military.

16 Q. After the military did you work in Hawaii for a
17 while?

18 A. Um, after the military, I came back to Oregon and
19 I was here in Oregon for about two months, and I moved to
20 California with my grandparents. And I was there for nine
21 months, and then I moved to Idaho, and I was in Boise for six
22 years.

23 Q. Okay.

24 A. And then after my six years in Boise, I came back
25 to the Oregon Coast and I was here for a few more months, and

Damon Mason

1 I left to go to Hawaii with my dad.

2 Q. And in Hawaii, did you -- was Wayne McGuffin
3 living in Hawaii with you?

4 A. Not when I first got there. I was there for
5 about a year before he showed up. Maybe a little less than a
6 year.

7 Q. And when Wayne McGuffin showed up, did you guys
8 get back together?

9 A. Yes. Yeah. Found him a job doing granite work.

10 Q. And how much did you see Wayne during the time --
11 that time period in Hawaii?

12 A. I was there for about another year, and then I
13 came back home. My mom was getting a divorce and I needed to
14 come home and help her take care of her property. So I left.

15 Q. And your mom has some property here --

16 A. In Dora.

17 Q. In Dora? Okay.

18 Nick McGuffin. Did you -- how close would you
19 say you were to Nick?

20 A. Not as close as Wayne. You know, he was below me
21 in school, so I didn't hang out with him a whole bunch. I
22 was -- hung out with Wayne more than I did Nick.

23 Q. Now, did you know Leah Freeman or of her?

24 A. I did not know her at all. Nope.

25 Q. And at some point in time did you become aware

Damon Mason

1 that Nick and Leah were boyfriend-girlfriend?

2 A. Yes.

3 Q. And did you ever see them together at all?

4 A. No. I don't -- I never recognized that girl
5 until I saw a picture of her in a store.

6 Q. Do you know Brent Bartley?

7 A. Yes.

8 Q. How do you know Mr. Bartley?

9 A. He was in my class, graduated in '98 with me.

10 Q. Want to bring your attention back to the end of
11 June of 2008.

12 A. Mm-hmm.

13 Q. Just so we're clear, I -- and your girlfriend, it
14 was her birthday?

15 A. 2008?

16 Q. Or, excuse me, 2000. I'm sorry.

17 A. Okay.

18 Q. Thank you.

19 A. Got me confused there for a second.

20 Q. No, 2000, right?

21 A. Right.

22 Q. Okay. your girlfriend Julianna, her birthday was
23 the end of June?

24 A. Mm-hmm.

25 Q. What was the date of her birthday, do you recall?

Damon Mason

1 A. I want to say like the 26th or 29th.

2 Q. Okay.

3 A. One of those days.

4 Q. And --

5 A. It's been a long time since I thought about her.

6 Q. Did you come back to Coquille for her birthday,
7 or did you want to?

8 A. I was -- I was coming back on the weekends kind
9 of regularly, from living down in California.

10 Q. And just so we're clear, at the time that you
11 came up for your girlfriend's birthday, you were on abscond
12 status from the military; is that right?

13 A. That's true, I was AWOL.

14 Q. While you were up here, is this when Leah Freeman
15 disappears?

16 A. From my understanding she disappeared a couple of
17 days before I showed up in town.

18 Q. Now, do you recall a time -- after you got up
19 here for your girlfriend's birthday, do you recall a time
20 that you were with Brent Bartley?

21 A. Yes, I do.

22 Q. And were you driving him someplace?

23 A. We were driving around, yes. I can't recall
24 exactly where we were going, but yes, he was in my vehicle
25 and we were driving around Coquille.

Damon Mason

1 Q. Now, just so we're also clear, so the grand jury
2 knows this, initially, when the police were talking with you
3 about what you knew, and about Brent Bartley (indiscernible),
4 you were reluctant to share information with the police. Is
5 that right?

6 A. Um, yeah. I was -- it had been a long time,
7 and -- and there was stuff that -- didn't remember, that came
8 up. You know.

9 Q. And the police to you, well, you know, if you
10 don't tell us what you know, you could be obstructing in
11 investigation?

12 A. Right.

13 Q. And you indicated you wanted some assurances from
14 me that I wouldn't prosecute you for obstructing if you told
15 them what you knew?

16 A. Correct.

17 Q. And I told you I would do that; is that --

18 A. Correct.

19 Q. Now, in regards to Brent Bartley, he's riding
20 with you in your car?

21 A. It was a truck, but yes.

22 Q. Okay.

23 A. Vehicle.

24 Q. And did you drive by the Fast Mart?

25 A. Mm-hmm. Yes.

Damon Mason

1 Q. And I believe in previous discussions with the
2 police and myself you indicated that that was June 29th?

3 A. I don't remember saying a date.

4 Q. Okay.

5 A. Because I'm not -- I'm not sure. I know I was
6 coming up here on the weekends, I had a full-time job down
7 there. Construction work, so.

8 Q. So you drive by the Fast Mart; is that correct?

9 A. Correct.

10 Q. And what happens as you drive by the Fast Mart?

11 A. Brent sees a cop, says, Oh, there's cops. I
12 said, What's going on? Why are you scared to see the cops?
13 He said, Because Leah's missing.

14 And I was like, Leah? What do you mean? And
15 he's like, Nick's girlfriend Leah is missing. And I was
16 like, Well, why are you scared, you know? And he said,
17 Because I was with Nick when she went missing. And I was
18 like, Well, this is -- this is crazy, you know.

19 And so later we talked, talked with Wayne, and --

20 Q. Well, did -- let me back up.

21 A. All right.

22 Q. In previous conversations that you and the police
23 and I have had, you indicated that Bartley said that he and
24 Nick had been responsible for Leah's disappearance.

25 A. I said that Brent was involved with Leah's

Damon Mason

1 disappearance, because he was with Nick the night that it
2 happened.

3 Q. Okay.

4 A. And from what I was told, they were both looking
5 for her, that night.

6 Q. All right. Now I'm going to back up. Now, as
7 best as you can remember, tell us what Mr. Bartley said, to
8 you, about not wanting to talk to the cops.

9 A. He didn't say anything about not wanting to talk
10 to them. They just drove by and he said, There's the cops.
11 I asked him why he was nervous. He said because he and -- he
12 was with Nick when that happened, when Leah was missing.

13 And so that's how Brent was involved with that,
14 as far as I know.

15 Q. Now, some time later you talked with Nick and
16 Wayne McGuffin. And I said later; a couple of days, a week,
17 something like that?

18 A. Mm-hmm.

19 Q. Tell us what happened.

20 A. I asked him why Brent was so scared about the
21 cops, and I asked him what happened, and they said that they
22 didn't have nothing to do with it, and don't ask about it any
23 more, it's none of your business. Our family has nothing to
24 do with it.

25 And that was -- I was, you know, back, gone. I

Damon Mason

1 went back to California, was working. Couple of months later
2 I moved to Idaho. Some guy named Bill from the FBI called me
3 in Idaho. I called him back, and he never returned my phone
4 call. And I was there for six years, I went to Hawaii for
5 two years, and I come back to Oregon, and I started getting
6 questioned.

7 Q. Do you have -- has anybody ever told you that
8 they were involved in the disappearance of Leah Freeman?

9 A. No.

10 Q. Had anybody told you that they killed Leah
11 Freeman?

12 A. No.

13 Q. Do you know -- of your own knowledge, do you know
14 who killed Leah Freeman?

15 A. No.

16 Q. Is there any other information that you want
17 the -- or you believe the grand jury should know about this
18 case?

19 A. No.

20 MR. FRAZIER: Okay. Thank you. I don't have any
21 other questions for Mr. Mason.

22 GRAND JUROR: (Indiscernible.)

23 THE WITNESS: Okay. And unless the grand jury's
24 got anything. Anybody want to ask him anything?

25 Okay. You're free to go.

Jennifer Storts

1 THE WITNESS: All right.

2 **TESTIMONY OF JENNIFER STORTS**

3 (Witness sworn.)

4 BY MR. FRAZIER:

5 Q. Okay. This is the grand jury for Coos County,
6 and we're looking into the death of Leah Freeman. And it's
7 obvious, but we're recording everything.

8 A. Yes, sir.

9 Q. Okay. First of all, could you tell us your name,
10 please, ma'am.

11 A. It's Jennifer L. Storts.

12 Q. And do you live out or have you lived out in the
13 Fairview area?

14 A. Yes, I have.

15 Q. And you work up at Coquille Valley Hospital?

16 A. Yes, I do.

17 Q. And what do you do up at the hospital?

18 A. I'm currently a laboratory manager.

19 Q. Oh, you're the big shot.

20 A. Yes.

21 Q. Back in the year 2000, were you working in the
22 hospital?

23 A. Yes, I was.

24 Q. And what were you doing at that time?

25 A. I was a laboratory technician.

Tony Messerle

1 A. No.

2 MR. FRAZIER: All right. I don't think I have
3 any other questions for her. Does the grand jury have any
4 questions for her?

5 GRAND JUROR: So you have no recall of any of the
6 statements that you gave?

7 THE WITNESS: I don't. Unfortunately. Sorry.

8 MR. FRAZIER: That's okay.

9 THE WITNESS: Ten years ago is ten years ago.

10 MR. FRAZIER: Okay. Any other questions?

11 Is there anything you think the grand jury ought
12 to know about this case?

13 THE WITNESS: I don't have any pertinent
14 information.

15 MR. FRAZIER: All right. Okay. Unless there is
16 any questions, that will be it.

17 THE WITNESS: Okay. Thanks, you guys. Have a
18 great day.

19 MR. FRAZIER: Thank you.

20 **TESTIMONY OF TONY MESSERLE**

21 (Witness sworn.)

22 BY MR. FRAZIER:

23 Q. Well, first of all, sir, this is the grand jury
24 for Coos County, and we're looking into the death of Leah
25 Freeman. I think it's obvious, but I got to tell you we are

Tony Messerle

1 recording the proceedings. Okay?

2 A. Okay. Understood.

3 Q. First of all, could you tell us your name,
4 please, sir, and where you live.

5 A. Tony Messerle. I live in Springfield, Oregon.

6 Q. And right now you're working as a truck driver
7 for sand and gravel?

8 A. Eugene Sand & Gravel, that's correct.

9 Q. All right. In the year 2000 were you living here
10 in Coos County?

11 A. I was.

12 Q. And how long had you lived in Coos County?

13 A. All my life. I did six years in the service, and
14 came back in '89. Other than that, I've been here all my
15 life.

16 Q. Been on the school board here in Coquille?

17 A. I have, 11 years.

18 Q. When you were here in -- when did you actually
19 leave Coos County?

20 A. 2009, January.

21 Q. Prior to that, sir, how were you employed here in
22 Coos County?

23 A. Coos County road department.

24 Q. And what did you do there?

25 A. I was the lowboy operator. I hauled heavy

Tony Messerle

1 equipment.

2 Q. I want to bring your attention to June 28th of
3 2000. This was the day that Leah Freeman disappeared. Were
4 you working for the county that day?

5 A. I was.

6 Q. What shift were you working?

7 A. Swing shift. I was working in the shop at that
8 time.

9 Q. All right. And what were you doing in the shop?

10 A. Servicing vehicles, heavy equipment. Likely.

11 Q. And what were your hours on swing shift?

12 A. I believe, if I remember correctly one o'clock to
13 eleven o'clock at night.

14 Q. And I want to direct your attention to when you
15 got off work that night, on June 28th, did you go home at
16 that point?

17 A. I went straight home.

18 Q. And what type of vehicle were you driving, do you
19 recall?

20 A. I was on my motorcycle.

21 Q. And where were you living at the time?

22 A. West Center -- or, excuse me, across from the
23 high school.

24 Q. Okay.

25 A. West 18th.

Tony Messerle

1 Q. To get home how would you -- to get to your --
2 where you were living, how would you get there?

3 A. I would take West Central and turn left on West
4 18th, and go straight back past the cemetery to my house.

5 Q. When you were driving home that night, did you
6 see anything out of the ordinary in the road?

7 A. I did.

8 Q. Could you tell the grand jury what you saw.

9 A. I found a tennis shoe, right in the middle of the
10 road.

11 Q. And where was it located, that you saw this shoe?

12 A. Just up from West Central, just past the gas
13 station, probably, I'm going to say, a hundred yards or so.

14 Q. And where was the shoe lying in relation to the
15 road?

16 A. Um, it's a narrow road, and I was assumedly
17 driving right up the middle. It was just right on my right
18 side, so it was just off from the center line.

19 Q. So you stopped?

20 A. I did.

21 Q. And picked up the shoe?

22 A. I did.

23 Q. Why did you pick up the shoe?

24 A. Because my children just came in, I was just
25 divorced, and I got my kids on weekends. And they had come

Tony Messerle

1 in, I think that day, and I hadn't seen them yet. And the
2 first thing I thought was that it could have been my
3 daughter's shoe, since I live right there.

4 And I picked the shoe up and took it home, and
5 being at night my kids were in bed, so I threw it on the
6 kitchen floor and didn't think anything of it. The next day
7 I asked my daughter if it was her shoe, and it wasn't her
8 shoe. And so --

9 Q. All right.

10 A. -- that was the end of it.

11 Q. Now, at some point in time you became aware that
12 Leah Freeman was missing?

13 A. That weekend, yes.

14 Q. And did you -- what did you do with this shoe?

15 A. Um, the -- it just -- well, that night I came in
16 from swing shift, I grabbed the shoe because I thought it
17 could have been my daughter's, not knowing even what her
18 shoes looked like. The next morning found that it wasn't her
19 shoe.

20 I believe it just stayed there, in the kitchen.

21 And my parents came and collected my kids that
22 very next day, and they took them to Lakeside, which is where
23 we were all meeting that weekend. And when we were coming
24 home -- my kids knew Leah Freeman. And when we were coming
25 home we heard this blurb on the radio station, and my

Tony Messerle

1 nine-year-old daughter said, Gee, Dad, I wonder if that's
2 hers. Referring to the shoe.

3 And there was a number that you could call, so
4 when we got home to Coquille, I called that number and
5 Coquille PD sent a young officer out, and he took a statement
6 from me.

7 And I -- I think he took the shoe then, if I
8 remember correctly.

9 Q. All right. A few days later, did you happen to
10 run into Deputy Oswald, Kip Oswald?

11 A. I did. I don't remember exactly how long later.

12 Q. Okay.

13 A. I remember that night I took my daughter for ice
14 cream, and I don't think it was the Dairy Queen still at the
15 time, but that store was closed so we went on down to the
16 7Eleven. And they had a roadblock that night. And they were
17 just asking people questions, that were going through town,
18 if they remembered anything out of the ordinary, previously.

19 Q. And when you say 7Eleven, it's also known as Fast
20 Mart?

21 A. Correct.

22 Q. Okay. Go ahead.

23 A. The old 7Eleven, I'm sorry.

24 And long story short, I went in there, and it was
25 real busy because I guess all the traffic being stopped and

Tony Messerle

1 hung up. And Kip Oswald, whom I know from my work because I
2 serviced his vehicle as well as all the other deputies',
3 said, Hey, Tony, come here, I want you to see something.

4 And so we walked outside and in his -- I believe
5 it was a Ford Bronco that he worked in -- he had another
6 tennis shoe. And he asked me if that was it. And I says, Is
7 that what? And he says, Does that look like the shoe you
8 found? And I said, Yes, it does. And evidently he had found
9 another shoe, or I would say the other shoe.

10 Q. Okay. And you had -- you went straight from work
11 and you found the shoe?

12 A. Yes.

13 Q. If I were to tell you that the records said you
14 got off work at 11:30, does that help you any?

15 A. Yeah, I think I said they -- I don't know who,
16 someone asked me what time, and I said, 11:33. Because I
17 went from work straight home, and that's what time it would
18 be.

19 Q. All right.

20 A. And they asked me, Well, not many people know
21 exactly where they are in a given point in time. Well,
22 that's -- that was my routine.

23 Q. Okay.

24 A. So I believe I said 11:33.

25 Q. And you were at work all night prior to that at

Lyndee Stidham

1 the county shop?

2 A. Yes.

3 Q. Don't mean to embarrass you or anything, but
4 there was a rumor floating around at one time that you might
5 have had something to do with Leah Freeman's disappearance,
6 and I'm just going to ask you that straight up.

7 Did you have anything to do with her
8 disappearance?

9 A. Absolutely not.

10 Q. And do you know anything about the death of Leah
11 Freeman, other than what you've told us here today?

12 A. I do not.

13 Q. Is there anything else you think the grand jury
14 needs to know I haven't asked you about?

15 A. I really don't know anything.

16 MR. FRAZIER: Okay. Does the grand jury want to
17 ask him any questions?

18 You can go back to Eugene or Springfield or
19 wherever.

20 THE WITNESS: Thank you, folks.

21 **TESTIMONY OF LYNDEE STIDHAM (KINDRED)**

22 (Witness sworn.)

23 BY MR. FRAZIER:

24 Q. Okay. First of all, this is the grand jury for
25 Coos County, and we are investigating the death of Leah

A. Lambert

1 GRAND JUROR: Do you -- I know this is probably a
2 hard one, but do you think it's something -- well, she -- I
3 mean, she would remember telling you this? I mean, wasn't
4 she, at the time -- you think she probably remembers making
5 this statement to you?

6 THE WITNESS: Oh, I'm sure she does, because when
7 she seen me walking down the hall she about got a ghostly
8 look on her face. And I'm sure she knows why I'm here,
9 because other than that statement she told me, there would
10 have been no other reason for me to be here.

11 MR. FRASIER: Any other questions?

12 I just thank you for coming forward.

13 THE WITNESS: That's why I was (indiscernible) a
14 little bit. Otherwise, I --

15 MR. FRASIER: I'll come out with you, here.

16 **TESTIMONY OF ALICIA LAMBERT (MICHAUD)**

17 (Witness sworn.)

18 BY MR. FRASIER:

19 Q. Okay. First of all, this is the grand jury for
20 Coos County, and we're looking into the death or
21 disappearance of Leah Freeman. Okay?

22 A. Okay.

23 Q. It's obvious, but I need to tell you we're
24 recording this, okay?

25 And because you're kind of soft-spoken, it sounds

A. Lambert

1 like, you're going to need to speak up, especially when the
2 air conditioner gets going. Okay?

3 First of all, could you tell us your name and
4 where you live, please.

5 A. Alicia Lambert. And 90790 Travis Lane, Coos Bay,
6 Oregon.

7 Q. And your maiden name is?

8 A. Michaud.

9 Q. How long have you been married now?

10 A. Um, almost five years.

11 Q. Well, we're here because of Leah Freeman, and I
12 guess where I want to start with you is, well, did you know
13 Leah Freeman? Were you acquainted with Leah Freeman?

14 A. No.

15 Q. Nick McGuffin?

16 A. Yes.

17 Q. How did you know Nick McGuffin?

18 A. I went to high school with him, and hung out with
19 him a few times.

20 Q. You went to --

21 A. Well, more than a few times, but.

22 Q. Went to high school here in Coquille?

23 A. Yes.

24 Q. Did you graduate?

25 A. Yes, not from here though.

A. Lambert

1 Q. Okay. Year 2000, I don't mean to embarrass you,
2 but I think we need to talk about it. Now, were you into --
3 did you have a drug problem?

4 A. Yes.

5 Q. What kind of drugs are we talking about here?

6 A. Meth.

7 Q. Okay. And in the year 2000, summer of 2000, were
8 you actually in a rehab program over in Roseburg?

9 A. Yes.

10 Q. At some point in time, the sheriff's office or
11 the Coquille Police Department was notified by an attorney
12 named David Terry -- do you know any David Terry?

13 A. Yes.

14 Q. And Mr. Terry indicated that we needed to talk to
15 you, and so some sheriff's deputies or detectives came and
16 talked to you. Do you recall talking to them several times?

17 A. Yes.

18 Q. I guess what we want to know, ma'am, is what do
19 you know about Leah Freeman's death.

20 A. Um, do I just start from like square one? I
21 mean, I don't really --

22 Q. Okay. Well --

23 A. I just know --

24 Q. Go ahead, and I'll ask you questions. Just go
25 ahead and --

A. Lambert

23

1 A. Okay. There are two --

2 Q. -- tell us right from the beginning, everything
3 you know.

4 A. Okay. I know that the night that she disappeared
5 I had no idea what was going on. We were at -- I was at a
6 party at TJ's house. There was a few small -- it was just
7 small people -- you know, a small crowd there. And my
8 parents called me because I had my baby with me, and they
9 came and picked my baby up and -- and so I had no idea what
10 was going on.

11 The next day I was at Danny Lapine's house with
12 Quinn and Bill and myself, and we were watching movies. And
13 all of a sudden Nick came in and like frantically was like,
14 Oh my God, my girlfriend disappeared, da-da-da-da. And like
15 he was trying to show pictures and stuff. And I -- I
16 remember saying, I don't need to -- I don't need to see a
17 picture. Like, oh -- like something flashed in my head of
18 like what -- you know, like -- and I have never met this girl
19 like in my whole entire life. And like pictures like -- just
20 like flashed in my head, and stuff like that.

21 And I don't remember where -- what happened from
22 that -- well, I know that night we -- I -- Bill was saying,
23 Let's just go, will you take me home, da-da-da. And so I
24 drove him home. My car ran out of gas. Some police officers
25 had came and arrested Bill and took me home, and -- and then

A. Lambert

1 like a few days later my parents put me in that rehab.

2 And -- and I ran away from the rehab center with
3 a -- with a girl, and we went to Tom's house, and that
4 night --

5 Q. Tom may be Tom Stemmerman?

6 A. Yes.

7 Q. Okay. Go ahead.

8 A. Um, that night he was like trying -- I mean he
9 made very vivid like remarks to me and stuff. He, um, pretty
10 much told me I needed to give him sexual favors for the --
11 for the cab ride that I -- that he paid for. And so he held
12 a gun there, and made me do things, and -- and stuff.

13 And he told me like later on that night, it was
14 like 2:00 or 3:00 in the morning, and he was telling me like
15 that I needed to go look out into a trailer that had some
16 like clothes and stuff of -- he was saying it Bill's or
17 something, and that they were all bloody, and I needed to --
18 he wanted me to like go out there and look at these clothes.

19 And I was pretty kind of freaked out at that
20 time, and I guess I had said some remarks, I don't remember
21 what they were. And he was saying like, oh, he -- I'm going
22 to put a cap in your mouth like Leah Freeman. And, you know,
23 stuff like that.

24 Well, anyways, the next day I do remember going
25 out there and into this trailer, and I know there was some

A. Lambert

25

1 like clothes with like stuff on them. And so I remember that
2 day I -- my mom like had -- frantically was calling all over,
3 looking for me and stuff. And she got ahold of Tom and she
4 begged him to like let me go, you know, as -- like, you know,
5 because he was like kind of just like holding me there,
6 saying you -- you're not leaving me, and blah-blah-blah. And
7 you're a snitch. And he just kept like saying like remarks
8 at me and stuff. And -- and -- but he did like tell me like
9 stories of all the -- that him and Bill like hit her or
10 something in a car, and...

11 Q. Okay. This is Stemmerman telling you this?

12 You have to answer out loud for the tape.

13 A. Yes. Yes.

14 Q. All right.

15 I'm going to back up and kind of go over this
16 with you a little bit.

17 A. Okay. Because that's probably what I need.

18 Q. Okay. I'm going to over it with you, and I'm
19 going to have some other questions for you too,
20 (indiscernible).

21 But first of all, the night that Leah
22 disappeared, you're over there at TJ Greave's house; is that
23 right?

24 A. Yes.

25 Q. And did you stay the night there?

A. Lambert

1 A. Yes.

2 Q. Did you stay the night with anybody in
3 particular? Was there a part of the house you crashed in?

4 A. I remember there was like a bunk bed and I do
5 remember, I think Ben -- I'm going to say, I don't know -- I
6 think was in the room with me.

7 Q. Now, your baby. Your mom called you or your dad
8 got ahold of you?

9 A. Uh-huh.

10 Q. And where did you meet your mom and dad with the
11 baby?

12 A. At -- at Safeway in Coquille.

13 Q. And did anybody go with you?

14 A. Trying to remember who drove me. Somebody drove
15 me there. Um --

16 Q. You told the police back in August of 2000 that
17 it was Anthony Fowler.

18 A. Okay. I think that's --

19 Q. Does that sound right?

20 A. Yes. Yes.

21 Q. And after you dropped your baby off with your mom
22 and dad, you had also said you went and smoked some pot with
23 Anthony before you went back to TJ's. Does that sound about
24 right?

25 A. Yes.

A. Lambert

27

1 Q. You mentioned at the house was TJ, Megan -- do
2 you remember Megan?

3 A. Megan Pinkley.

4 Q. Megan Pinkley? Okay.

5 Ben, do you remember Ben's last name?

6 A. Harvey.

7 Q. Okay. And a Brandon. Do you remember Brandon?

8 A. I do, but I don't know his last name.

9 And it wasn't my brother. It was -- because I do
10 have a brother named Brandon.

11 Q. Um, and you told us about going to -- that
12 evening you were over at Brent Bartley's with Bill Sero.

13 A. The next night?

14 Q. Yeah, the next night.

15 A. Yes.

16 Q. Okay. How did you -- how do you know Bill Sero?

17 A. Um, let's see. Well, my brother and him were
18 kind of friends, from long, like -- back in like high school.
19 But I kind of remember like when I used to live in Myrtle
20 Point I met like his brother and Bill and -- and so we just
21 were kind of buddies and -- and also when I was dating Mike
22 Hedrick, Mike was pretty good friends with Bill, so he always
23 like called me his little sister, type thing. And --

24 Q. How did you come to be with Bill that night?

25 A. That, I don't recall.

A. Lambert

1 Q. Bill -- did Bill have a girlfriend at the time,
2 or --

3 A. No. No.

4 Q. So you're over watching a movie. Do you remember
5 what the movie was?

6 A. I don't. Sorry.

7 Q. If I said *Deuce Bigelow*, would that ring any
8 bells?

9 A. Actually it does, yes. Okay. I think it was
10 *Deuce Bigelow*.

11 Q. Okay. Then did you go with Bill to the house, or
12 you probably don't remember? To Brent Bartley's, or that
13 house. How did you get there?

14 A. I know I drove because I was in my car. But I --
15 I think I went from my house to Brent's, and I'm not sure if
16 Bill was already there or I -- I really don't
17 (indiscernible).

18 Q. That's fine. I just want to know how you get
19 there, so --

20 A. Yeah.

21 Q. Now, you -- after you -- you finished watching --
22 well, while you're there, Nick McGuffin shows up.

23 A. Yes.

24 Q. And he's upset about his girlfriend being
25 missing?

A. Lambert

29

1 A. Mm-hmm.

2 Q. Does he describe Leah to Bill?

3 A. Yeah. I mean, I remember he was saying like
4 she had -- you know, she's blonde; she's a small, petite
5 girl; and -- and I kind of was like -- for some reason, in my
6 mind, like a picture of her just kind of like flashed before
7 me. I know it sounds really weird.

8 Q. That's fine. Go ahead. That's fine.

9 A. But -- and like I kind of like stopped him. I'm
10 like, Just stop. Like I -- he was like trying to like shove
11 pictures in my face and stuff. And like Bill's. And like
12 she was like walking around, you know. And -- and I was just
13 saying, Stop it, you know, like.

14 Q. So he told you, you and Bill, that she was
15 petite, blonde hair. Did he mention anything else about her
16 anatomy at all?

17 A. No.

18 Q. Okay.

19 A. Not that I recall.

20 Q. Did he ever use the phrase "big boobs"?

21 A. No, not that I recall.

22 Q. So you're finished watching the movie and you
23 leave?

24 A. Yes. I think I remember Bill saying it was --
25 Can you just drive me home? Or, Let's go. We need to go,

A. Lambert

1 let's go. And --

2 Q. So he ends up in the car with you?

3 A. Yes.

4 Q. And as you're driving you run out of gas or your
5 car breaks down, or what -- what happened?

6 A. Yeah, I think we ran out of gas. Or -- and it
7 was really late and all the gas stations were closed. And --
8 and my car ran out of gas.

9 Q. And the police came up on you. Where did you run
10 out of gas at?

11 A. Um, hmm. I'm not really sure what street. It
12 was a side street, like from Daniel's house the side street,
13 maybe right by -- close by that park. It was somewhere like
14 from there, a side street. I mean, we weren't like on the
15 main road, I don't think.

16 Q. You say the park. You mean like 5th Street Park,
17 probably?

18 A. Yeah. It was somewhere along the lines right
19 about there.

20 Q. All right.

21 A. I remember it was like right by a stop sign, so.

22 Q. And then how did the police show up? How do
23 you --

24 A. I don't know. Like all of a sudden they were
25 there.

A. Lambert

31

1 Q. Okay.

2 A. And, um --

3 Q. And so you tell them you're out of gas?

4 A. Uh-huh.

5 Q. And they start checking out with you, like check
6 your driver's license and stuff like that?

7 A. Mm-hmm.

8 Q. And then they find out that Mr. Sero had a
9 warrant or something?

10 A. Apparently. Something, yeah. And so they --

11 Q. Arrested him?

12 A. -- arrested him.

13 Q. And did you get arrested that night?

14 A. No. And I'm not really sure if they drove me
15 home or if they called my parents or -- I can't really
16 remember how I ended up getting home from there.

17 Q. Okay.

18 GRAND JUROR: Did you need to get your car
19 afterwards?

20 THE WITNESS: I think we got it the next day. I
21 think my dad maybe went down and brought gas to it, and
22 then -- then we drove it home, and --

23 BY MR. FRASIER:

24 Q. Okay. Now, did -- you had a note there that
25 when you initially talked to the police that you told your

A. Lambert

1 mother and the counselor that you'd had a vision or a dream
2 about Leah's disappearance.

3 A. I did. I -- I went to a different -- it was like
4 more of a -- like a transitional home for women. Like a -- a
5 drug-and-alcohol-free-based home. And I remember -- like I
6 almost felt like her -- I don't know the word, but like felt
7 like her -- like she was there in the -- you know. But
8 anyways, I woke up and -- and I remember having like a vivid
9 dream of like that she was already dead. Like out, like
10 Fairview somewhere. And I do remember telling the police
11 that I had this.

12 Q. Do you remember saying that Leah's body would be
13 found near a stream with a bag over her head?

14 A. I do.

15 Q. Now, a couple of days later the police talked to
16 you again about it, and at that time you mentioned something
17 about a sweatshirt. Do you remember anything about a
18 sweatshirt, or do you recall (indiscernible) sweatshirt?

19 A. I don't.

20 Q. Okay. And you indicated that sometime during the
21 evening while you were over at TJ's, somebody stole your gray
22 hooded adidas brand sweatshirt? And that you were looking
23 for it, and people would remember that you were there because
24 you were looking for the sweatshirt?

25 A. That they what?

A. Lambert

33

1 Q. That people would remember you were there because
2 you were looking for the sweatshirt?

3 A. Uh-huh.

4 Q. Does that ring any bells with you now?

5 A. I don't want to say it does ring a bell, but it's
6 like kind of faintly --

7 Q. Okay. We heard from some people -- now, there
8 was another time you were interviewed at -- and this time you
9 were in jail. Coos County jail, down at the sheriff's office
10 in 2000. Do you recall that interview, now?

11 A. Somewhat. I'm not sure what I said. It was --

12 Q. You were inter --

13 A. I was pretty --

14 Q. Pretty what?

15 A. Pretty messed up on drugs, back then. So
16 (indiscernible).

17 Q. You've been sober for a while?

18 A. Yeah.

19 Q. How long?

20 A. Oh, gosh. Um, over seven years.

21 Q. Okay. So you've worked hard a getting off the
22 meth and all the other stuff?

23 A. Yeah.

24 Q. All right. There's a -- at the interview in
25 October of 2000 you told the police you were told by Tom

A. Lambert

1 Stemmerman that he was in a car which also had Bill Sero and
2 another subject by the name of Sean, and that they supposedly
3 ran over the victim.

4 Do you recall telling the police this?

5 A. Mm-hmm.

6 Q. Okay. Did Thomas Stemmerman tell you that?

7 A. Yes.

8 Q. And do you know who this Sean character was?

9 A. I don't. And I don't remember saying Sean, but.

10 Q. And in this statement you told the police that
11 you were told by Mr. Stemmerman that they put Leah in the
12 trunk of their car and took her to the Stemmerman house for a
13 couple of weeks, hoping she'd get better.

14 Do you remember telling the police that?

15 A. Mm-hmm.

16 Q. Okay. Did Mr. Stemmerman tell you that?

17 A. Yes.

18 Q. And they kind of hoped that she'd either get
19 better or whatever, and she ended up getting worse and died?

20 And what did Mr. Stemmerman tell you, what they
21 did with Leah after she died? Do you recall?

22 A. I don't.

23 Q. Do you recall telling the police they then dumped
24 her body out in the Fairview area?

25 A. I don't remember him telling me that.

A. Lambert

35

1 Q. Okay. Did you believe him when he told you that?

2 A. I don't think I did believe him.

3 Q. Why is that?

4 A. Just because he was -- I mean, like at the time
5 it almost seemed like he was trying to feed my head with like
6 stories, maybe.

7 Q. Okay. Now --

8 A. Like making me believe other things, maybe,
9 that --

10 Q. Mr. Stemmerman was involved in the drug world at
11 that time?

12 A. Yes.

13 Q. He was a dealer?

14 A. Mm-hmm.

15 Q. Sold drugs from his house out there on Libby
16 Drive?

17 A. Yes.

18 Q. You told the police in 2000 that you believed
19 Stemmerman was using this information to bolster himself as a
20 drug big shot. Do you remember telling the police that?

21 A. I don't.

22 Q. Okay. Did Stemmerman tell you who was driving
23 the car?

24 A. No.

25 Q. Did he tell you what kind of car it was?

A. Lambert

1 A. No. If he did, I don't remember.

2 Q. Do you know who Rowdy Howard is?

3 A. Yes.

4 Q. Who's Rowdy?

5 A. Um, I dated him for a little while.

6 Q. Were you dating him back then?

7 A. Yes.

8 Q. Did you tell the police that Rowdy may have some
9 information that could shed some light on this?

10 A. I may have, yes.

11 Q. Now, this year, back in May, Officer McNeely and
12 Officer Webley from the Coquille Police Department spoke with
13 you. Okay?

14 You told the police at that time you were having
15 some memory issues.

16 A. Mm-hmm.

17 Q. Is that because of your drug use?

18 A. Um, well, I've kind of been diagnosed with
19 bipolar, and I don't know if it's -- stems from the drug use
20 or not, but I do have --

21 Q. Okay. And I'm not trying to embarrass you or
22 anything.

23 You told the police at the time of Leah's
24 disappearance you had been using methamphetamine heavily,
25 often staying up three to five days at a time. Is that --

A. Lambert

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1 A. Yes.

2 Q. Is that true?

3 A. Yes.

4 Q. And that you were -- you've been diagnosed with
5 being bipolar, and you've actually had some psychiatric
6 treatment. Is that right?

7 A. (No audible response.)

8 Q. I need to ask you a couple more questions, ma'am.
9 Have you ever told anybody that you were in the
10 car when Leah Freeman was run over by a car?

11 A. Mm, no.

12 Q. We heard from a witness earlier today, and I
13 think you probably saw her in the hallway --

14 A. Mm-hmm.

15 Q. -- that about four or five years ago that you
16 told her that you were in the car with Tom Stemmerman and
17 Bill Sero when Leah Freeman got run over. Do you recall
18 telling her that?

19 A. I don't, no.

20 Q. Did you talk with her about this at all?

21 A. I think I did talk with her about it, but I never
22 once said I was in the car.

23 Q. Okay. Well, my question is to you this: Were
24 you in the car?

25 A. No.

A. Lambert

1 Q. Did you have anything to do with Leah Freeman
2 dying?

3 A. No.

4 Q. Leah Freeman being kidnapped or disappearing or
5 anything like that?

6 A. No.

7 Q. And you were using drugs a lot then, but are you
8 absolutely certain you had nothing to do with Leah Freeman's
9 death or disappearance?

10 A. Yes.

11 Q. Outside of what you told us about Mr. Stemmerman
12 and Mr. Sero, has anybody else told you that they were
13 involved in the death of Leah Freeman?

14 A. No.

15 Q. Have you had a conversation with Nick McGuffin
16 about what occurred?

17 A. I haven't, no. I mean, maybe back then.

18 Q. Okay.

19 A. I don't really ever think I -- like one-on-one,
20 ever had a conversation with him. But I do know that when --
21 every time I have seen him, like on the streets or like at a
22 market or something, like he like just stares me down and
23 glares at me, and gives me like -- like -- I don't know, just
24 makes me feel like sh (phonetic), and that I -- I don't know.
25 And I've never.

A. Lambert

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1 Q. Okay. Did you write Nick a letter about this?

2 A. Yes.

3 Q. Okay. I'm going to show you this particular
4 document. Is this the letter you wrote to Nick?

5 A. Yes.

6 Q. In that letter, do you make reference to Leah
7 Freeman's death?

8 A. Did I what?

9 Q. Did you talk about Leah Freeman, in your letter?

10 A. I think so, yes.

11 Q. And did you intimate or did you tell Nick you
12 knew what happened to Leah Freeman?

13 A. Yes.

14 Q. And was this based on what Stemmerman had told
15 you?

16 A. Yes.

17 Q. Or Mr. Sero?

18 Well, let me back up. Did Mr. Sero ever tell you
19 he was involved in Leah's death?

20 A. No.

21 Q. So your source of information was Tom Stemmerman
22 the whole time?

23 A. Yes. And my dreams were.

24 Q. Your dreams.

25 A. I mean, I really can't recall if like my dreams

A. Lambert

1 were just like a -- a dream, or if someone actually -- I
2 mean, I really wish I could remember and -- and tell you,
3 like, Hey, someone told me that, or if it was really just
4 like I visioned this. I mean, I know it sounds really weird,
5 and (indiscernible).

6 Q. Okay. Well, I guess I want to make sure,
7 abundantly clear, you were not in that car?

8 A. No.

9 Q. And you had nothing to do with it at all?

10 A. No.

11 Q. Why did you write that letter to Nick?

12 A. I don't know. I really don't know. I mean, I --
13 I see the letter, and it's my handwriting, and -- but
14 frankly, I don't remember writing this letter. I don't even
15 know -- I think when I -- I mean, I think I'm like allergic
16 to drugs, and when I do drugs my brain or something goes
17 absolutely somewhere else.

18 And I just -- even if I was in jail and hadn't
19 done it for like two or three weeks, I really think that like
20 still it's, you know, something that's...

21 Q. Is there anything else about Leah Freeman's
22 disappearance that you haven't told us? Is there anything
23 else you know about this (indiscernible)?

24 A. No.

25 Q. All --

A. Lambert

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1 A. And I really want to do anything I can to help.

2 MR. FRASIER: All right. I don't think I have
3 anything else to ask her right off the top of my head. Does
4 the grand jury want --

5 GRAND JUROR: Yeah, I do.

6 (Indiscernible comments by grand jurors.)

7 GRAND JUROR: You said when you went out there
8 and -- to Stemmerman's house and he was -- he held a gun to
9 your head and all that stuff, and then he told you to go to a
10 trailer and get a bag of bloody clothes, was it blood?

11 THE WITNESS: I glanced.

12 GRAND JUROR: Yeah.

13 THE WITNESS: And by the looks, yes. But I -- I
14 mean, I -- I don't know for sure.

15 GRAND JUROR: And what did he have you get that
16 and do with them?

17 THE WITNESS: He didn't want me to get them, he
18 just wanted me to go look at them.

19 GRAND JUROR: Oh. So you just looked at them,
20 and --

21 THE WITNESS: Yeah.

22 GRAND JUROR: Did they look like Bill's clothes?
23 Do you know what Bill was wearing, or --

24 THE WITNESS: I -- they looked like men's
25 clothing, yeah.

A. Lambert

1 GRAND JUROR: Right.

2 THE WITNESS: (Indiscernible) clothes.

3 GRAND JUROR: Okay.

4 GRAND JUROR: Do you know what kind of car that
5 Bill Sero had?

6 THE WITNESS: Um, I don't think Bill had a car.

7 GRAND JUROR: Or Tom?

8 THE WITNESS: Tom had multiple cars. I know
9 there was a purple car at one point. Um --

10 GRAND JUROR: Dark purple?

11 THE WITNESS: Yeah. I think it was a dark color.
12 Dark purplish.

13 GRAND JUROR: Small or big?

14 THE WITNESS: It was small, two-door. I remember
15 driving it once, (indiscernible) -- I mean at that time.

16 GRAND JUROR: Compact?

17 THE WITNESS: Yeah. Um, but he had a lot of like
18 junk cars at his house. I don't know they actually run or...

19 GRAND JUROR: You said that it was Stemmerman --
20 am I pronouncing that right?

21 THE WITNESS: Yes.

22 GRAND JUROR: That he's the one that threatened
23 you with the gun?

24 THE WITNESS: Mm-hmm.

25 GRAND JUROR: Do you think he was a violent -- a

N. Nelson

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1 person capable of violence? Like --

2 THE WITNESS: Um, back then? Yeah, he was pretty
3 crazy, I mean, you know. But I think that was -- stemmed
4 from the drug use. My brother knew Tom, like when they were
5 kids, and I mean he was just -- I mean, you know, he wasn't
6 like that.

7 GRAND JUROR: You said there was (indiscernible)
8 cars out there. Was there any car that he drove frequently,
9 like more than the others?

10 THE WITNESS: I never really seen Tom drive, but
11 I know that when I took off from that rehab center, I had a
12 lot of my stuff with me. And, um, when I called him to get
13 my stuff back, he had told me that he burned it all, like in
14 a car. So.

15 GRAND JUROR: How come the purple car?

16 THE WITNESS: That just is vivid to me because I
17 remember we went to the store one time and he --

18 GRAND JUROR: Drove that one?

19 THE WITNESS: We were in Coos Bay, and he asked
20 if I wanted to drive. And that just -- so.

21 MR. FRASIER: Any other questions?

22 Okay. I think that will do it, then. You're
23 free to go.

24 **TESTIMONY OF NICOLE NELSON (PRICE)**

25 (Witness sworn.)

N. Nelson

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3 crazy, I mean, you know. But I think that was -- stemmed
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9 like more than the others?

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20 if I wanted to drive. And that just -- so.

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23 free to go.

24 **TESTIMONY OF NICOLE NELSON (PRICE)**

25 (Witness sworn.)

N. Nelson

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1 BY MR. FRASIER:

2 Q. First of all, this is the grand jury for Coos
3 County, and we're looking into the death of Leah Freeman.
4 It's obvious, but I have to tell you we are recording
5 everything, so --

6 A. Okay.

7 Q. Okay?

8 A. Mm-hmm.

9 Q. First of all, could you tell us your name,
10 please, and where you live.

11 A. Nicole Nelson, and I live at -- in -- formerly
12 Price. And I live in Benicia, California.

13 Q. Okay. And because the air conditioner's on and
14 we're recording, you'll need to speak up.

15 A. Okay.

16 GRAND JUROR: Where do you live currently?

17 THE WITNESS: Benicia, California.

18 BY MR. FRASIER:

19 Q. I guess you used to live here in Coquille. Is
20 that right?

21 A. Correct.

22 Q. Went to high school here?

23 A. Correct.

24 Q. Graduated?

25 A. I did.

N. Nelson

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1 Q. Okay. Did you know -- when you were in school
2 here, did you know a man named Nick McGuffin?

3 A. Yes.

4 Q. How did you know Nick?

5 A. Um, he was a year older than me, and he dated my
6 sister for a little while.

7 Q. Okay.

8 A. And it's a small town, so everybody just kind of
9 knows everybody.

10 Q. All right. Did you know Leah Freeman?

11 A. I knew who she was, yes.

12 Q. If you -- well, you say you knew who she was, so
13 you weren't close or acquainted or --

14 A. Um, no. Her sister was in my grade, and when we
15 were younger I was friends with her sister for a little
16 while, so I had been to -- I think it was her father's house
17 at one point in time. But in high school I wasn't really
18 friends with Denise, and I knew who Leah was, but I wasn't
19 really friends with her or anything.

20 Q. Did you know that Nick and Leah were a
21 boyfriend/girlfriend-type situation?

22 A. Yes, I did.

23 Q. Did you ever see them together?

24 A. I don't believe so.

25 Q. Okay.

N. Nelson

1 A. I lived in California my junior year, and moved
2 back here my senior year, that summer before.

3 Q. And that would have been the summer of 2000?

4 A. Yeah.

5 Q. You would have graduated in 2001?

6 A. Yes.

7 Q. Did you know Brent Bartley?

8 A. Yes.

9 Q. And how did you know Brent?

10 A. We dated.

11 Q. And were you guys dating in June of 2000?

12 A. Yes.

13 Q. Now, I want to go to the day that Leah Freeman
14 disappeared, which I believe was June 28th. Did you -- well,
15 were you with Brent and/or Nick McGuffin that night?

16 A. Yes.

17 Q. Would you tell the grand jury, please, what you
18 remember about that night and what happened, and so forth.

19 A. Um, Brent and Nick picked me up and we went to
20 Brent's grandparents' house, the Hagas. And we were supposed
21 to all be going out there to watch movies. Leah was not in
22 the car when they picked me up. I mean, I remember going out
23 there. Leah wasn't there. I remember Nick leaving at some
24 point during that evening. And then, other than that, I
25 mean, they drove me back home.

N. Nelson

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1 Q. Okay. Did you actually see Leah that night?

2 A. I did not.

3 Q. Did Nick or Brent tell you what they were going
4 to do after they dropped you off?

5 A. Not that I can remember now.

6 Q. Back in 2000 you were interviewed, I think it was
7 by Buddy Young of the North Bend Police Department, who
8 indicated they said they were going to go to somebody named
9 Melissa's house to (indiscernible). Okay?

10 A. Did -- they were going there for?

11 Q. They were going to go to Melissa Brugnoli's house
12 to see if she had seen Leah.

13 A. Oh. I don't remember that.

14 Q. Did you see Brent any more that night?

15 A. Not after he dropped me off.

16 Q. The next day, did you see Nick McGuffin?

17 A. Um, I -- I don't remember. There's a good chance
18 I did, but I -- I don't remember.

19 Q. All right. You told the police back in 2000 that
20 you saw Nick and he was upset that Leah missing, and he
21 looked terrible, looked like he'd been crying. Does that
22 sound about right, or do you recall?

23 A. I really don't recall.

24 Q. Now, this year in April was -- you met with the
25 police or the police met with you up in Florence. You were

N. Nelson

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1 living in Florence area at that time?

2 A. Correct.

3 Q. Okay. Now, had you had contact with Brent
4 Bartley prior to the police?

5 A. Yes.

6 Q. What did Brent tell you?

7 A. Um, he called me, I believe it was January 28th,
8 to tell me that they had reopened the investigation into
9 Leah's death, and basically just kept telling me that he
10 wasn't a snitch.

11 Q. Okay.

12 A. So, um, he -- I thought he was drunk. I mean,
13 based on the conversation he was having with me and the way
14 he was acting, I thought that he had been drinking, and --
15 but it -- I mean, basically that's what it was. He just
16 called to tell me that they had reopened it and he just kept
17 telling me over and over that he wasn't a snitch.

18 Q. Okay. Um, we talked to Brent this morning, and
19 he tell us he's been sober for about a hundred and twenty
20 days. Have you had any contact with him the last couple or
21 three months?

22 A. No, I have not. That was the last time I spoke
23 to him.

24 Q. Okay. And that's what I was going to ask, if you
25 had speak -- spoken with him since he's gotten sober,

N. Nelson

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1 (indiscernible) any difference if you've seen it.

2 A. Oh, um, I probably will see him while I'm here,
3 but, um, no, I haven't.

4 Q. All right. Do you have -- do you know who killed
5 Leah Freeman?

6 A. No, I do not.

7 Q. Do you have any information about who might have
8 done it, or anything along that line?

9 A. No, I do not.

10 Q. Is there anything else that you might know of
11 that -- well, is there anything you have that the grand jury
12 should know about this? That we haven't talked about?

13 A. No.

14 Q. Okay. Oh, well, let me ask you this.

15 Do you remember what car you were in when Nick
16 took you -- when Nick and Brent took you home that night?

17 A. His Mustang.

18 Q. Did you ever see him driving a Thunderbird that
19 night?

20 A. No, I did not.

21 Q. Okay. The only -- all the times you saw him, he
22 was in the Mustang?

23 A. Yeah. They picked me up in the Mustang, and then
24 he left in it and came back in it, and then took me back home
25 in it. So, yeah, the time frame that I was with him, that

N. Nelson

1 was the only vehicle that I saw that night.

2 MR. FRASIER: All right. That's all I have.

3 Does the grand jury want to ask her any questions?

4 GRAND JUROR: Yeah. During that conversation
5 where he's emphatically saying he's not a snitch, what else
6 was part of that conversation?

7 THE WITNESS: Um --

8 GRAND JUROR: Because he --

9 THE WITNESS: Because he had -- when I talked to
10 him, I believe he had already spoken to the police, and they
11 wanted him to tell him -- tell them whatever he knew. And so
12 he kept telling me, I don't know anything, I'm not a snitch.
13 And I just told him, you know, if -- it's not about being a
14 snitch. We're talking about someone who lost their life, so
15 if you know something --

16 GRAND JUROR: Mm-hmm.

17 THE WITNESS: -- you shouldn't look at it as
18 you're snitching. You need to come forward with that
19 information. And he said, But I don't know anything. And I
20 said, Okay, I believe you.

21 I mean, to me he sounded drunk, so I -- it wasn't
22 a conversation I really wanted to even have with him, but --

23 GRAND JUROR: Right.

24 THE WITNESS: -- that was kind of what it -- what
25 started it.

D. Bertrand

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1 GRAND JUROR: You've answered the question. I
2 just didn't know why he said that.

3 MR. FRASIER: Any other questions?

4 Okay. That will do it.

5 THE WITNESS: Okay.

6 MR. FRASIER: You're free to go.

7 GRAND JUROR: Thank you.

8 MR. FRASIER: Thank you.

9 **TESTIMONY OF DENISE BERTRAND (FREEMAN)**

10 (Witness sworn.)

11 BY MR. FRASIER:

12 Q. Denise, I brought you back because the other
13 night I was going through some materials that we took out of
14 the McGuffin home, and there were some questions that came
15 up, and I thought I would talk with you about that.

16 One of the things that I think you mentioned the
17 other day is that when your sister first disappeared you were
18 a supporter of Nick. Is that right?

19 A. Mm-hmm.

20 Q. And you were out at the McGuffin home on
21 occasion?

22 A. Mm-hmm.

23 Q. And you have to say yes or no.

24 A. Yes or no. Yes or no? Yes.

25 (Laughter.)

T. Stemmerman

1 That's -- that's what -- it's more everybody just --
2 everybody has their own story or what they believe, you know,
3 and it's -- you know, like I've heard 90 million things, and
4 I've tried to tell the cops everything I've heard, and -- you
5 know. But I truly believe one thing happened, and I told
6 them that story, but whether or not it happened, I don't
7 know. We're all going to find out now, I guess.

8 But I mean, I haven't talked to his dad or his
9 mom or -- I haven't -- like I said, I haven't talked to him
10 in -- I mean, it's been a long time. Since before he moved
11 to Bend. I guess he moved to Bend with his new girlfriend.

12 GRAND JUROR: Okay.

13 GRAND JUROR: Did you have a vehicle at that
14 time?

15 THE WITNESS: No, sir.

16 No, I didn't get a license until I was -- late.

17 MR. FRASIER: Any other questions?

18 Okay. Sir, that will do it. You're free to go.

19 THE WITNESS: Okay. Thank you.

20 **TESTIMONY OF THOMAS STEMMERMAN**

21 (Witness sworn.)

22 BY MR. FRASIER:

23 Q. First of all, this is the grand jury for Coos
24 County, sir, and we're looking into the disappearance of Leah
25 Freeman, her death. Okay?

T. Stemmerman

1 First of all, a little announcement I need to
2 tell you. It's obvious, but we're recording the proceedings
3 anyway, okay.

4 A. Okay.

5 Q. First of all, could you tell the grand jury your
6 name and where you live, sir.

7 A. Thomas Stemmerman, and I live in Dayton, Oregon.

8 Q. How long have you lived there, sir?

9 A. A year and a half. I lived in Sheridan right
10 before that.

11 Q. Okay. And you used to live in the Coos County
12 area?

13 A. Yes, I did.

14 Q. How long did you live here?

15 A. I lived here 27 years, probably.

16 Q. Did you go to school here?

17 A. Yes, I did.

18 Q. Graduate?

19 A. Yes, I did.

20 Q. Which high school did you go to?

21 A. Marshfield.

22 Q. Marshfield.

23 Mr. Stemmerman, again, I'm not here to embarrass
24 you or anything along that line, but there's -- this case has
25 presented some issues. And I need to ask you some questions

T. Stemmerman

1 that you may find offensive or whatever. I -- unfortunately,
2 I need to ask these type of questions. Okay?

3 First of all, when you -- I want to go to the
4 year 2000. When you lived here in Coos County, you lived
5 here in the year 2000?

6 A. Mm-hmm.

7 Q. And did you -- where did you live at that time?

8 A. In my parents' house on Libby.

9 Q. All right. And did your parents live there too?

10 A. No, did not, at that time.

11 Q. Okay. And just so we're clear with the grand
12 jury, at that time you were involved with methamphetamine,
13 correct?

14 A. Yes, I was.

15 Q. And you sold methamphetamine?

16 A. Yes, I did.

17 Q. In fact, the narcotics team raided your place a
18 couple or three times out there?

19 A. Yes, they did.

20 Q. You ended up being prosecuted for delivery?

21 A. Possession, delivery, and frequenting, yes.

22 Three counts of each. Or no, three counts of the -- the
23 possession and delivery. Two counts of frequenting, yes.

24 Q. Okay. And just for the sake of disclosure here,
25 I was the prosecutor on that case back in --

T. Stemmerman

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1 A. Yes, you were.

2 Q. All right. And you were convicted and you ended
3 up going to prison for a period of time. Is that right?

4 A. Yes, I did.

5 Q. How is your life now? What are you doing now?

6 A. I -- my -- it's great. I'm an electrician again.
7 I've been out of work for a while now because of the
8 recession, but when I first got out I -- I moved in with my
9 parents for a little while. And worked on the coast in --
10 just out of Lincoln City, and then shortly after moved in
11 with my brother in Salem. And worked there for quite a
12 while, for several different contractors, before I -- and
13 lived in Salem until I bought I house in Sheridan. Moved out
14 there, and then I was working back and forth between Portland
15 and Salem. And stayed busy, real busy. A lot of overtime
16 and a lot of good work.

17 Got back into the union, three -- three or four
18 years ago. And then worked at the Salem hospital, and then I
19 was laid off, and at that point in time there were two or
20 three hundred guys on the (indiscernible) books, so I was
21 sitting at home for quite a while, till just a couple of
22 weeks ago.

23 Q. Okay. You're out of methamphetamine now, right?

24 A. Have been since the day I went to jail.

25 Q. And in -- and you feel pretty good right now?

T. Stemmerman

1 A. Yeah. The boot camp was great, when I was --
2 when I was in -- in jail or in prison. And that's where I
3 was released from back then.

4 Q. And you went through the boot camp
5 (indiscernible)?

6 A. Yes, I did. I went through the boot camp. It
7 was a great program.

8 Q. Well, let's spend a little bit of time here, sir.
9 Are you familiar with an individual named Nick
10 McGuffin?

11 A. Not -- no, other than this case and -- and papers
12 and stuff like that.

13 Q. Okay. Had you ever met him before?

14 A. Not that I know of. Bill Sero had -- Bill Sero
15 would stop by the house once in a while. Every once in a
16 while he'd have somebody with him that I wouldn't know. And
17 there were a few individuals that he'd -- you know, from time
18 to time, once in a while, that he'd have that I -- I wasn't
19 really aware of who they were, and that. At that point in
20 time in my life, the less I knew about people the better off
21 it was for everybody involved, I think, you know. It -- it's
22 very possible that I had met him at some point in time, but
23 I -- I really don't think so.

24 Q. Okay. Now, Bill Sero, you've mentioned his name.
25 How did you know him?

T. Stemmerman

1 A. I went to school with Bill. I met him, I think
2 my junior year in high school. And we kind of became friends
3 in high school, and -- and he -- he was somebody that, you
4 know, we were friends. He'd stop by once in a while. We'd
5 hang out every so often, and then he'd kind of drop off the
6 map again and I wouldn't see him for six months or so. And
7 then, you know, I'd see him for a couple more weeks or
8 whatever. And we'd hang out every once in a while, but he
9 wasn't -- wasn't always someone that I -- I trusted, as far
10 as a friend, but, you know.

11 Q. Alicia Michaud?

12 A. Yeah, I met her for the first time through her
13 brother; at her house, actually. I used to live with Eric
14 Freeman, and her brother would hang out with us from time to
15 time, and that's how I first met her.

16 Q. Now, you mentioned an Eric Freeman. No relation
17 to Leah Freeman, right?

18 A. No. No relation to her. From the Coos Bay
19 Freemans, (indiscernible).

20 Q. Nikki Webber; Nikki Holling, I think since. Did
21 you know her?

22 A. Yes. I dated her for a while and she eventually
23 lived at my house for a while.

24 Q. And when were you dating her and was she living
25 with you? Do you recall, roughly?

T. Stemmerman

1 A. Um, after the first time I was raided. Let's
2 see, about right around the first time I -- I was raided, and
3 the police came to my house. I think I'd started hanging out
4 with her about a week before that.

5 Q. Do you know a Sherre Bolger? Sherre Bolger?

6 A. Yes, I do.

7 Q. How did you know her?

8 A. She used to -- she was one of my ex-wife's
9 friends. So she'd come over and hang out at the house once
10 in a while. And her and I became friends, so I'd see her
11 from time to time.

12 Q. Your ex-wife, who was that?

13 A. Um, Michelle Raymond, now.

14 Q. And at the time Michelle --

15 A. Stemmerman.

16 Q. Stemmerman. All right.

17 I guess I'm just going to kind of get down to
18 brass tacks here. There's this rumor floating around town
19 that you and Bill Sero or you yourself or you, Bill Sero,
20 Alicia Michaud, or another guy named Rowdy Howard -- did you
21 know Rowdy Howard?

22 A. Yes, I did know Rowdy. He was a friend of my
23 brother's.

24 Q. Did you or a combination of people like I talked
25 about; Nick McGuffin, Brent Bartley -- did you know Brent

T. Stemmerman

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1 Bartley at all?

2 A. No.

3 Q. Nick McGuffin, Brent Bartley, Bill Sero, Alicia
4 Michaud, so forth, were in a car on the night that Leah
5 disappeared. Ran her over with the car. Do you know
6 anything about this?

7 A. No.

8 Q. Were you ever -- did you do anything to Leah
9 Freeman?

10 A. No.

11 Q. Did she ever -- did you ever harm her in any way?

12 A. No.

13 Q. (Indiscernible.)

14 A. No.

15 Q. Didn't have any contact with her whatsoever?

16 A. Never seen her. No. Never met her, never seen
17 her.

18 Q. Part of the rumor that floats around is that
19 after she was hit by the car, that she was taken to your home
20 out there on Libby Drive. And depending on who you talk to,
21 she was held hostage in the basement --

22 A. I've heard the same rumors a lot.

23 Q. -- or held hostage in a bedroom, or she was
24 stuffed in the attic. Did you -- is that true?

25 A. No.

T. Stemmerman

1 Q. Was she ever in your house?

2 A. No.

3 Q. Have you ever told anybody that you harmed Leah
4 Freeman?

5 A. No.

6 Q. We've heard from -- well, like Sherre Bolger, I
7 guess, and Alicia Michaud (indiscernible), that you told them
8 directly that you had been in the car that ran over Leah.

9 And you never told them that? Either one of
10 them?

11 A. No. No.

12 Q. One person who testified said that you gave --
13 and again, I'm not trying to embarrass you or anything. I'm
14 just trying to lay it out here.

15 When I came to running your business or your drug
16 dealing or whatever, that you did it mainly out of the
17 basement. Does that sound about right?

18 A. Yep.

19 Q. And (indiscernible) basement (indiscernible)?

20 A. Mm-hmm.

21 Q. And then after Leah disappeared, that you
22 wouldn't let anybody down in the basement and you wouldn't
23 conduct business down there. Did you change how you did
24 things?

25 A. Um, yes, I did, actually. There was a friend of

T. Stemmerman

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1 mine that I had staying at the house that didn't want really
2 anybody to know that he was there. He was hiding from the
3 police at that point in time. And he was afraid that if
4 someone saw him they would say that he was there, and then he
5 would end up going to jail. And he ended up going to jail
6 later on for it, so --

7 Q. Okay. Who was that?

8 A. I -- I can't remember his name. He was -- he was
9 a friend of Mike -- ah, he lived at Mike's house in a
10 trailer. What was his name?

11 Q. Who was Mike's house (indiscernible)?

12 A. You guys had to go all the way down to Texas or
13 Alabama or somewhere to get him.

14 Q. Okay.

15 A. You know -- you remember kind of who I'm talking
16 about?

17 Q. (Indiscernible.)

18 A. (Indiscernible.) Um, it -- it was an older
19 gentleman. He was -- he was 40 or -- or 50. He had -- at
20 one point in time he -- he thought he could try to
21 manufacture methamphetamines, and I think he did at Mike's
22 house. And that was -- he had a lot of the stuff at my house
23 to do that with. Never actually tried to manufacture
24 methamphetamine at my house, but that was -- that was the
25 reason why nobody was allowed downstairs.

T. Stemmerman

1 Q. Because this guy was down there?

2 A. Because he was down there, and he had some of
3 the -- the chemicals and stuff to make meth --
4 methamphetamines. And he -- he never did, he didn't have all
5 the right containers and stuff like that to make
6 methamphetamine, so.

7 Q. Now, was there a trailer on the property?

8 A. Yes, there was.

9 Q. Where was this trailer at?

10 A. The trailer was out in front of the house. It
11 was an old travel trailer from when I worked out of town.

12 Q. Mr. Sero, did he have any clothes over at your
13 place?

14 A. He was -- he was moving from one place to another
15 and -- and he had stopped by one day and told me that he
16 didn't have enough play -- space to keep all of his boxes of
17 clothes and whatever, that -- you know, he didn't need, at
18 his new house at that time. And knew I had the trailer out
19 in front, and asked me if he could store some of his stuff in
20 there. And I told him yes, he could.

21 Q. The police eventually came and got those clothes.
22 Is that right?

23 A. I told them that they were there. Yes, they did.

24 Q. And the police seized those clothes back in 2000.

25 A. Yeah. I had -- I had heard a rumor that the

T. Stemmerman

1 police were looking for Bill because -- and I don't remember
2 why. They wanted to question him or give him a lie detector
3 test or something like that. And -- and it was really the
4 first that we'd kind of heard that he might be involved or,
5 you know, the first rumor that -- that brought his name into
6 it was because the police were looking for him to question
7 him about it.

8 And, you know, we were all at the house, and it
9 got me to thinking, well, they're looking for him, and I have
10 some of his stuff stored out there. And so I got kind of
11 nosy with it, and I went out to the -- the trailer, and I --
12 you know, I started going through all his boxes and -- and
13 the clothes. And he had, I don't know, five or six or seven
14 boxes of whatever out there, and there was some bags of
15 clothes and stuff like that. And in one of the boxes with
16 the clothes, there was -- it looked -- it looked like rusty
17 stains. But, you know, I don't know what bloodstains would
18 look like on clothes that have been washed or anything like
19 that.

20 And so it -- it really made me nervous at that
21 point in time. Because when he'd said he was going to store
22 stuff out there, I didn't even bother to go out there and
23 help him put anything into the trailer, you know. He -- he
24 had it all out in the car. He says, I'll get it, you know.
25 It's just a few boxes.

T. Stemmerman

1 So I see this, you know, and I got kind of
2 nervous and worried, and -- and wondering if he's, you know,
3 storing something that he shouldn't be at my house. And I'd
4 gone in the house. I told, you know, my wife, and whoever
5 else was at the house at that point in time. It was always
6 five or six people there. That, you know, there was some
7 funny-looking stains on these clothes out there.

8 And it wasn't maybe more than a half hour, 45
9 minutes later -- oh, what's his name? The police officer
10 from Coos Bay, I just remembered his name a few minutes --

11 Q. Cal Metz?

12 A. Cal Metz, stopped by and that's when I had got
13 the official word, hey, yeah, we're looking for Bill Sero.
14 Do you know where he is? And at that time I hadn't heard
15 from him in a -- you know, in a week or two, or maybe three,
16 I don't know. And I wasn't sure where he was. From the
17 sounds of it, obviously he's hiding from, you know, the
18 police, and I didn't know if he was -- had a probation
19 violation or anything like that.

20 And so Cal asked me if I knew where he was, and I
21 told him no, I didn't. And Cal asked me if -- you know, if
22 you do hear from him, will you tell me? And I told him, I
23 said, you know, you're kind of putting me in a bad spot, but,
24 I mean, if it's really that important, you know, if this has
25 something to do with that other thing, yeah, I'll tell you.

T. Stemmerman

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1 By the way, he's got some stuff stored out in my trailer
2 that, you know, I'm not comfortable with. Some of it looks
3 kind of funny, and -- and you guys should take a look at it.

4 Q. All right.

5 A. So Cal couldn't take -- legally, because they
6 were Bill's stuff that he'd left in my house, he told me that
7 he couldn't legally take it at that point in time. And I
8 guess they came back, I don't remember if it was that day or
9 the next day. But they came back, him and another officer,
10 and told me that they had contacted Bill. They had a -- a
11 signed thing from Bill saying that they could take the
12 clothes. And -- and so I gave them all of his belongings and
13 possessions at that point in time.

14 Q. Did you ever tell anybody that you thought there
15 was some bloody clothing out there?

16 A. Yeah. Oh, yeah. Because when I went out and
17 looked at the clothes, you know, I mean -- I see -- later to
18 find out, after one of the raids, one of the police officers
19 told me they had to have everything tested, and it was some
20 kind of stain or mold or whatever. It wasn't actually
21 anything, that was on the clothes. But when I looked at
22 them, you know, I had no idea what that stuff looks like, and
23 I see -- it -- it looked like rust stains, to me. But I
24 didn't know, you know. It just --

25 Q. Okay. Alicia Michaud, let's talk about her a

T. Stemmerman

1 bit.

2 Did she get meth from you on occasion?

3 A. No, I don't believe I ever actually sold meth to
4 her. She -- she did use meth at -- at my house, but no, I
5 don't believe that I ever sold her meth.

6 Q. Okay. Did she ever stay at your place for a
7 while?

8 A. Uh, yeah, she stayed a couple of nights. Never
9 anything for long term. Maybe one or two nights, about it.
10 Yeah, she used to hang out with my ex-wife when -- when my
11 ex-wife was there. And then she's -- she came with other
12 people, different times after that.

13 Q. Was there ever a time she showed up in a taxi
14 that she had come from --

15 A. Yes, she did.

16 Q. -- (indiscernible) Roseburg?

17 A. Her and another girl, and they just showed up out
18 of the blue, in a taxi. And I didn't know who the other girl
19 was at that point in time. I was doing -- well, working in
20 the backyard or something. It was during the middle of the
21 day. And -- or in the evening. I think it was in the
22 evening. And she -- I went back into the backyard. They
23 ended up going into the house and hanging out with my -- my
24 wife, and the wife came and got me and told me that, Hey,
25 these -- these two were at a drug rehab that they were

T. Stemmerman

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1 supposed to be court-ordered at or whatever, and they took
2 off. And now they're here, and they're looking for a place
3 to stay. Because all she had told me originally was she was
4 looking for a place to stay, you know, and needed a place to
5 crash for the night or whatever. And I said, Fine, I don't
6 care.

7 And after I found out, I was -- I was pretty
8 nervous, and I -- I told her, you know, if this is
9 court-ordered, you're just getting yourself in trouble.
10 You're coming here, you're going to get me in trouble, and
11 I'm not really comfortable with you being here. You can stay
12 the night, but after that you need to go.

13 Her friend was only there for about an hour or
14 two, I think, and we ended up giving her a ride over to some
15 apartments in North Bend. Oh, I can't even remember what
16 street. That -- down by North Bend 7Eleven, kind of. And
17 dropped her off.

18 And then Alicia came back to the house and stayed
19 the night, so.

20 Q. Okay.

21 A. The next day an officer showed up, her -- her dad
22 called asking if she was there, and I told him yeah, she was.
23 The officer showed up to pick her up and take her back
24 because she was in violation or whatever, or something.

25 Q. Okay.

T. Stemmerman

1 A. So that's -- she left the house.

2 Q. Alicia claims that one of the times she was over
3 at your house that she -- you told her that you were in the
4 car that ran Leah over. And -- but she also talked about, I
5 guess at the same time, I think it was when she came over in
6 this taxicab, that you had her do sexual things to -- to you,
7 that you held a gun to her head.

8 A. No. Uh, we -- we had sex one night. It was --
9 but it wasn't even that night. That -- the -- the time we
10 had sex was the night that I was raided. She was there --
11 let's see. We had sex at about 8:00 or 9:00 in the evening,
12 and we ended up -- I was dating Nikki Webber at the time.
13 Nikki was in jail, and Alicia came on to me. And, you know,
14 dumb, and a kid, and whatever. We started having sex, and
15 the only thing I could think about in the back of my mind was
16 Nikki Webber and I'm cheating on her, and I felt like just a
17 piece of crap.

18 And -- and I kind of jumped up, ran upstairs, got
19 my clothes on, and she's yelling at me she wasn't done, she
20 wanted, you know, more of whatever, blah-blah-blah.

21 And Josh Thompson was at the house then, and
22 another kid from -- from Bandon. And she -- she was pretty
23 irritated with me because -- you know, and I don't blame her.
24 I -- I didn't exactly -- it wasn't very respectful for me
25 just to jump up and run out of the room like that, and tell

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1 her, you know, I don't want to have anything to do with you,
2 at that point.

3 But she ended up coming upstairs. We hung out
4 there for a little while, went out to another kid's house in,
5 um -- oh, just out of town. Hung out there for a little
6 while. I don't think we got in his -- he had a hot tub.
7 That's usually why we went out there.

8 And then Josh had a bunch of drugs with him, meth
9 with him. We -- I think he might have sold some to that
10 kid's house we went to, or somebody that was there at the
11 time. And we ended up going home, and hung out there all
12 night; you know, partied, whatever. And then the next
13 morning the police showed up and -- and knocked my door down
14 and arrested all of us, and we went to jail.

15 Q. You got raided a couple of times; is that right?

16 A. Yes, I did. Three times. Well, one time I
17 wasn't there, and then two times I was.

18 Q. Let's talk about Bill Sero for a little while.

19 Did you ever tell people that you thought Bill
20 Sero was involved in Leah Freeman's death?

21 A. In the beginning I didn't know -- you know, we
22 sort -- we sort of hear rumors that the boyfriend may have
23 had something to do with it. And then we heard that the
24 boyfriend maybe had picked up Bill to help him look for her
25 or something. And so when we all started hearing rumors

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1 that, you know, Bill was in town or whatever, at that point
2 in time here in Coquille, and that he knew the boyfriend and
3 things like that, then some of us wondered, you know. I
4 mean, when the -- when the police started looking for him to
5 question him, that's when we really questioned, okay, does --
6 did he have something to do with this?

7 I feel bad now because, you know, he's -- he's
8 passed lie detector tests and he's --

9 Q. Well, we can't talk about lie detector tests.

10 A. Okay. Well, he's -- it's become pretty apparent
11 that he didn't have anything to do with it, you know. And --
12 and I believed a lot of rumors about a lot of people that had
13 something to do with it at that point in time, until I
14 started hearing my name involved in it. And when I started
15 hearing rumors about me, and then, you know, everybody else,
16 it was like -- it seemed like every three days I heard a
17 different rumor with a different person involved in it. And
18 so, you know, at that point in time, I asked him four or five
19 times, you know, did you have something to do with that? And
20 if there was anything Bill actually told me the truth in his
21 life, I think that was probably it.

22 Q. Okay. Bill told you that he never was involved
23 in --

24 A. He told me he never was involved with it.

25 Q. Okay. Now, at the time that we're talking about

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1 here, were you using meth too?

2 A. Yes, I was.

3 Q. Is it possible that you might have said something
4 to somebody that could be interpreted that you had something
5 to do with Leah Freeman's death and what you were trying to
6 do was, okay, try to make yourself look like a big bad drug
7 dealer?

8 A. I doubt it. Um, I -- I -- you know, yeah, I -- I
9 tried to put myself off as being a tough guy because some of
10 the people I was around were kind of scary. You know, I had
11 no business being involved with them. Yeah, I had people try
12 to rob me. I had people steal from me. I had -- you know,
13 people threaten me. I had a lot of -- a lot of people come
14 after me. I don't think that I would have ever told anybody
15 that I had something to do with the Leah Freeman thing
16 because I didn't. You know, I mean, I would have told
17 somebody who knows what else to try to scare them, but I
18 don't think I ever would have said that.

19 Q. One other thing. There was one rumor I forgot to
20 ask you about. There was one rumor that Leah was murdered
21 and brought to your house and buried in your backyard for a
22 couple of weeks, and then dug up and moved to where she was
23 eventually found.

24 A. I heard that too.

25 Q. Well, first of all, is that true?

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1 A. No.

2 Q. Okay. Second of all, people were saying that
3 there was -- you could go out in your backyard and dig around
4 and you could find stuff?

5 A. You could, actually. There was an old homestead
6 in the backyard.

7 Q. Okay. What kind of things could you find if you
8 go out there and dig?

9 A. Toys. You know, it was all from -- there was a
10 lot of campaign buttons and union buttons and stuff, and
11 seemed to be all from the '30s, '20s maybe. I mean, it was
12 pretty old stuff. It was all the old tin toys, you know, the
13 tin railroad cars, and tin -- you know, little cowboy stuff.
14 And -- yeah, it was a -- it was a lot of -- right when you
15 dropped over the hill. And I don't know if it had gotten
16 pushed off to the side there when we built the road to the
17 back when I was a kid or what it was, but you just start
18 scratching off the surface and you'd find all kinds of stuff
19 out there. Just -- car parts, Model A parts. You name it,
20 we found a lot of it out there.

21 Q. Do you recall telling the police here earlier
22 this year that you'd go around -- you know, go out in your
23 backyard and dig because when you were tweaking it was
24 something to do?

25 A. Yeah.

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1 Q. And when I say tweaking, that means you were
2 using then?

3 A. Mm-hmm.

4 Q. Did Alicia Michaud go out there and help you
5 dig --

6 A. Yes, she did. That was the day that -- that was
7 the day that she had gotten drop -- or, no. That was the day
8 she left, when she had come in the taxicab. It wasn't the --
9 when she had first arrived in the taxicab, it was the next
10 day.

11 Q. All right. Did you say her parents picked her
12 up?

13 A. It wasn't her parents. It was like a -- I keep
14 wanting to say a truancy officer or something, but I don't
15 think it was. It was -- it had -- it was something to do
16 with her -- she was supposed to legally be at the drug rehab
17 in Roseburg. And she had run away from there, and so it was
18 somebody that her parents had talked to, to come pick her up.

19 It wasn't her parents. I talked to her parents
20 on the phone, and I think it was her dad that had called me
21 and -- and asked me if she was there. And I told him yeah,
22 you know, and she's told me that she's, you know, run away.
23 And if you guys want to come get her, this is my address, you
24 know. So.

25 Q. Could have been like a probation officer or a

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1 drug rehab counselor or somebody like that?

2 A. It could have been. It was -- I believe it was
3 in a marked car, that they were in, and it looked like kind
4 of -- like an unmarked police car, if I remember right. It
5 wasn't anybody I recognized, but.

6 Q. When it comes to -- well, you know, and I've told
7 you about Alicia Michaud claiming that you threatened her
8 with a gun to get her to have sex with you or something like
9 that. Was there ever a time when Michaud was around where
10 you did shoot your gun or anything like that?

11 A. Oh, yeah. I shot the gun -- I had several guns.
12 I mean, I had several handguns. I had several rifles. And
13 the back of my property drops off, and you go down to where
14 the field is where it floods down below, and we can shoot
15 back into the bank. And it was -- you know, there was times
16 when -- who knows? Every -- seems just about everybody
17 probably saw me shooting the guns back there. Me and guys
18 would go back there shoot off boxes of shells. Something to
19 do.

20 Q. Was there ever a time you were over at a guy
21 named Joe Clifton's place, and Rowdy Howard came over, and it
22 got to be a dispute, and you were trying to go home and
23 Rowdy's chasing you?

24 A. Yeah, there was.

25 Q. Why don't you tell us about that.

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1 A. Yeah. Joe Clifton, he was the name I was trying
2 to remember earlier from when we were at the house and all
3 had left and then come back. That was -- the night that we
4 got busted, that was -- that was the house we had gone to. I
5 was hanging out with -- oh, there were several people there.
6 I think it was five or six people or whatever, at Joe's
7 house.

8 And I think Joe and his -- or Rowdy and his
9 girlfriend were living there. They had a baby. I had been
10 kind of hanging out and talking to Rowdy's girlfriend, you
11 know. It was just friends having a good time, like at the
12 time, and Rowdy had come home, and Rowdy was hanging out -- I
13 think -- I think he might have been hanging out with Alicia
14 Michaud then. But he thought that I was trying to hang out
15 with his girlfriend or his ex-girlfriend, or whatever they
16 were at the time. They were having their own problems.

17 And he started going pretty much ballistic. He
18 was throwing stuff around. He was threatening to kill his
19 girlfriend. He was threatening to kill his baby, at that
20 point in time. He was starting to beat stuff up in the
21 house. And me and Joe and everybody else, you know, kind of
22 ran outside and tried to figure out what to do get Rowdy out
23 of there. It was pretty apparent something was going to
24 happen if everybody didn't start separating from him. I
25 mean, like I said, he was threatening to kill everybody in

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1 the house at that point.

2 We -- Joe and somebody else ended up taking
3 his -- their baby, and they took off in one car. Me, his
4 girlfriend, and her friend took off in another car. And we
5 headed towards my house, they went a different direction to
6 somebody else's house, and trying to basically slim things
7 down to where Rowdy didn't have any -- you know, he couldn't
8 get at anybody to hurt them. It was kind of a high-speed
9 chase back to my house. I mean, they were doing everything
10 they could to stop me. Trying to run me off the road.
11 Almost hit the car a couple of times.

12 When I got back to where my house was, my cousin
13 was there, and I started to slow down, and Rowdy and them
14 pulled in -- started to pull in right behind me, and whipped
15 in and kind of cut me off, pulled right into my driveway. So
16 I took off and went past the house and around to behind Libby
17 Drive or whatever, on Fruitdale Drive. And where I could see
18 over to where my house was, watching for headlights, and see
19 if he was going to leave or stay there.

20 And he -- they stayed there. You know, we waited
21 for maybe 15, 20 minutes, and their car never left. So we
22 drove back around there. And when I drove back around there,
23 he had gotten a pipe or something else that he had in his
24 hands. His buddy that was driving the Ford Ranger, they both
25 come charging at us, telling us they're going to kill us and

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1 everything else. I had my cousin's gun, and I shot it three
2 times in the air to scare him. He hit the dirt, we took off
3 again, and then waited un -- until my cousin called me and
4 told me that there was nobody at the house, so we could come
5 back. We were pretty sure he was going to kill somebody.

6 Q. But that's the only time that you've ever like
7 pulled a gun out during a fight?

8 A. That is the only time I've ever pulled a gun out
9 around anyone to -- to --

10 Q. To scare them or --

11 A. Anything. Yeah, it is.

12 Q. All right. Again, just so we're clear, you had
13 nothing to do with the death of Leah Freeman or her
14 disappearance?

15 A. No. No.

16 Q. And you have no firsthand information as to what
17 happened to her?

18 A. No.

19 Q. No one's told her -- told you that they killed
20 her or was involved in her disappearance?

21 A. No. No.

22 Q. Is there anything else that we've talked about
23 here -- other than what we've talked about here today, that
24 you think the grand jury needs to know?

25 A. Not that I can think of. I wish I did know

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1 something.

2 MR. FRASIER: All right. Grand jurors, you want
3 to ask him any questions?

4 GRAND JUROR: Was there ever a time that a
5 taxi -- a time when Alicia came out there that you told her
6 to go to that trailer and look at the bag of clothes?

7 THE WITNESS: Be very possible. I told everybody
8 in the house that there was something suspicious in the
9 clothes, you know, because that was before that the -- the
10 clothes had been tested. You know, I -- like I -- when I saw
11 them, and I'm hearing Bill was looking -- they were looking
12 to question him, I freaked out, because instantly -- I'm
13 already, you know, using methamphetamines, and doing illegal
14 activities in my house. And when I start hearing they're
15 looking for him, and there's -- you know, they want to know
16 from me if there -- where he's at. And then I see these
17 clothes with the stain on them, you know, that made me
18 nervous. It scared the hell out of me.

19 And so, yeah, I had gone in the house and told --
20 Alicia must have been there that day. I told everybody in
21 the house that there's -- you know, there's -- there's some
22 funny stains on these clothes. So.

23 GRAND JUROR: Gotcha.

24 GRAND JUROR: Did you by chance indicate that it
25 could be blood on the clothes?

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1 THE WITNESS: It's very possible, yeah. You
2 know, I -- and I probably said that it looks like somebody's
3 got -- it looked like bloodstains that somebody's washed, you
4 know. And it took a long time for that -- when the -- when
5 the police officers removed the clothes from my house to send
6 them off to get tested and everything else, you know,
7 there's -- there was months in between we ever heard back
8 that the -- they weren't bloodstains, at that point in time.
9 That the -- you know. There wasn't any communication between
10 me and police officers, so that was -- it was two or three
11 months of me sitting here thinking this guy had left
12 something in my house, you know. And then come to find out
13 later on that, you know, there was -- there wasn't actually
14 anything on the clothes, so.

15 MR. FRASIER: Okay.

16 GRAND JUROR: When you looked at the clothes, did
17 you take them out of the bag? Did you just open the bag?

18 THE WITNESS: I -- I kind of just moved them
19 around in the bag, yeah.

20 GRAND JUROR: Did you notice what kind of
21 clothes? Were they women's clothes? Men's clothes?

22 THE WITNESS: They were -- there was -- it's -- I
23 think it was women's, men's, and children's. So that was --

24 GRAND JUROR: All mixed together?

25 THE WITNESS: -- part -- yeah, that was part of

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1 the confusion, you know. I -- I just didn't know what to
2 believe.

3 BY MR. FRASIER:

4 Q. When -- well, let's also be -- you know, you were
5 concerned about Bill leaving stuff at your house. That, you
6 know, you were also concerned, hey, I just don't need the
7 cops here?

8 A. Exactly.

9 GRAND JUROR: Right.

10 THE WITNESS: I mean, you know, I'm the first
11 person to admit, you know, I wasn't doing anything right at
12 my house, you know. I had drugs all over the place. I had
13 people stopping by to buy drugs from me. I had people -- you
14 know. I was -- the police being at my house was the last
15 thing I wanted or needed at that point in time. And
16 unfortunately it was probably the best thing that could have
17 ever happened to me because, you know, here I am today, and a
18 completely different person ten years later because I got in
19 trouble, because I did get busted. So.

20 GRAND JUROR: Okay.

21 THE WITNESS: Yeah, at that point in time, I
22 didn't want any law enforcement at my house.

23 BY MR. FRASIER:

24 Q. And I just want to -- on the clothes. In
25 relation to when Leah Freeman disappeared, when did Sero

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1 bring those clothes over? Was it before she disappeared?

2 After? Do you recall?

3 A. Um, well -- man, that's hard to say. I didn't
4 have -- you know, I didn't even know Leah Freeman was even
5 missing for weeks afterwards. I didn't have -- I didn't get
6 the paper. I didn't have TV. You know, the first time I had
7 ever actually heard something, Sherre had been in Coquille
8 and she said, Man, the -- she come back to the house and she
9 said, Man, there's cops everywhere in Coquille. You don't
10 want to go there.

11 I remember saying, you know, Okay, I'm staying
12 out of Coquille, then. Which I never came down to Coquille
13 anyways for anything. Very rarely, except for to usually go
14 to court because of something I done.

15 But -- so it's real hard for me to pinpoint. But
16 I would say -- I would say the clothes had only been there
17 for a couple of weeks when -- when the officers had picked
18 them up. So --

19 Q. Okay.

20 A. -- around -- you know. You'd have to find out
21 from Cal when it was he actually picked them up.

22 Q. If I was to tell you it was the early part of
23 August that we came by, does that sound about right?

24 A. Yeah.

25 Q. All right.

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1 A. I really -- I didn't have a job, you know. There
2 wasn't much for me to keep track of time back then, really.

3 MR. FRASIER: Any other questions?

4 GRAND JUROR: Would you say when you were using
5 meth you were -- your personality would change? You could be
6 more aggressive?

7 THE WITNESS: Um, yeah, possibly. I mean,
8 everybody's -- methamphetamines, your -- your moods and stuff
9 kind of go up and down and back and forth. But I wouldn't
10 as -- I wouldn't say aggressive. You know, when I was in
11 high school I used to get in fights all the time. And the
12 whole time I was using methamphetamines, I didn't get into a
13 fight once, so.

14 GRAND JUROR: (Indiscernible.)

15 THE WITNESS: You know, it's hard -- hard saying,
16 I guess.

17 GRAND JUROR: Mm-hmm.

18 MR. FRASIER: Okay. Anything else, from anybody?

19 Okay. Mr. Stemmerman, I'm glad you came down
20 today, and we appreciate your being here. And I don't think
21 we have anything else to ask you at this time. We may call
22 you and ask some more, but at this point I don't -- we don't
23 have anything more.

24 THE WITNESS: Okay.

25 MR. FRASIER: Thank you.

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1 GRAND JUROR: Thank you.

2 (Proceedings concluded.)

3 --oOo--

4
5 I certify, by signing below, that the foregoing pages 1 through
6 127, inclusive, constitute a correct transcript of WAV files
7 provided of the above-entitled matter, this 4th day of May,
8 2011.

9
10 
11 PEGGY S. JILLSON, TRANSCRIBER

Jennifer Storts

1 THE WITNESS: All right.

2 **TESTIMONY OF JENNIFER STORTS**

3 (Witness sworn.)

4 BY MR. FRAZIER:

5 Q. Okay. This is the grand jury for Coos County,
6 and we're looking into the death of Leah Freeman. And it's
7 obvious, but we're recording everything.

8 A. Yes, sir.

9 Q. Okay. First of all, could you tell us your name,
10 please, ma'am.

11 A. It's Jennifer L. Storts.

12 Q. And do you live out or have you lived out in the
13 Fairview area?

14 A. Yes, I have.

15 Q. And you work up at Coquille Valley Hospital?

16 A. Yes, I do.

17 Q. And what do you do up at the hospital?

18 A. I'm currently a laboratory manager.

19 Q. Oh, you're the big shot.

20 A. Yes.

21 Q. Back in the year 2000, were you working in the
22 hospital?

23 A. Yes, I was.

24 Q. And what were you doing at that time?

25 A. I was a laboratory technician.

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1 Q. And did that sometimes involve -- well, what
2 would you do as a lab tech?

3 A. Well, as a lab tech we do a lot of things, but
4 one of the things we do have to do is take call. You know,
5 at different hours, at that point of time, the call hours
6 were a lot longer and a lot more involved than they are now,
7 but we took up to 72 hours at a time on call, where we were
8 continuously on call.

9 Q. And do you know or are you acquainted with an
10 individual named Brent Bartley?

11 A. I am acquaint -- I do know Brent Bartley, yes.

12 Q. And how do you know Brent?

13 A. Brent is the brother of a very a good friend of
14 mine.

15 Q. How long have you known him?

16 A. Um, at -- I don't remember a time that I don't --
17 I didn't know Brent, let's put it that way.

18 Q. Well, I want to direct your attention to June
19 28th, the early morning hours of June 29th. Had you been on
20 call at the hospital?

21 A. Yeah. I'm going to assume it's -- I don't
22 remember the exact dates. I brought the sheet in, but yes, I
23 was on call the night that --

24 Q. According to the sheet you brought in, the last
25 call you had or the last record or whatever you did was at

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1 12:05 a.m. --

2 A. Mm-hmm.

3 Q. -- on June 29th, 2000?

4 A. Right. That would have been the time that I
5 clocked out or left the hospital, yes.

6 Q. Right. And when you -- to the best of your
7 recollection, when you clocked out that night, did you drive
8 directly home?

9 A. I drove direct -- yes. I drove directly home.

10 Q. And that's in Fairview?

11 A. Yes, it is.

12 Q. Did you see something that was out of -- what
13 struck out as the ord -- out of the ordinary?

14 A. Yes.

15 Q. Could you tell the grand jury what you saw.

16 A. When I was driving home, you have to realize I
17 had been -- I was at the very end of a 72-hour week -- you
18 know, weekend of call, and I was exhausted. And so a lot of
19 times when you're on call, you go into a mode when you're
20 gone, you just kind of, I'm driving home. And as I was
21 driving up Fairview Mountain, I was startled because I saw
22 three people walking up the mountain, and you just don't
23 expect at that time of night to see anybody on the mountain,
24 much less walking.

25 And once I came off my startled, I was kind of

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1 like, Whoa, do I need to turn around and help? And then as I
2 came around the next corner I saw a vehicle, and I was like,
3 oh, okay. Never mind. There's a vehicle. Didn't think
4 anything else of it, and drove on home.

5 So, yes.

6 Q. Okay. Now, later you were aware that -- you
7 became aware that there was a missing girl here, it was young
8 Leah Freeman?

9 A. Yes. Yes.

10 Q. Thinking back at what you saw, did you -- well,
11 at the time in 2000, in the year 2000, June 2000, did you go
12 to the police and tell them what you saw?

13 A. Yes, I did. It probably took me about four or
14 five days for it to really sink in, of what I did see. And
15 then I did go to Sheriff Reaves.

16 Q. When you say to sink in what you saw, what did
17 you realize that you saw?

18 A. Well, honestly, I'm going to be honest with you,
19 after you come off 72 hours and you're that tired, I didn't
20 read the paper. I, you know, kind of paid attention that
21 somebody was missing, but didn't really pay attention to the
22 day that she had went missing, that kind of stuff. Was
23 basically in oblivion about what was really going on until I
24 had an employee approach me and said, You realize we were on
25 that night?

Jennifer Storts

1 And I went, Oh. Oh. Basically then, Oh, crap.
2 And pulled my call sheet, and that's when I took it down to
3 the police station.

4 Q. Now, did you recognize any of these people?

5 A. You know, I'm not going to say that quote/unquote
6 recognized people. I would say that there was familiar
7 body -- there was a familiar body type. I can't say that I
8 saw anybody's face because the two male figures had on
9 hood -- you know, sweatshirt hoodies.

10 Q. But one -- at least one of the males looked
11 familiar?

12 A. Yes. It appeared; you know, body type, stance,
13 that one of the males was Brent.

14 Q. Now, there was two males and a girl?

15 A. Two males and a girl?

16 Q. And could you describe what you recall of the
17 girl?

18 A. What I recall of the girl, and you have to
19 realize it's all images and, you know, 11 years ago. But a
20 blonde-haired girl, gave the impression that -- just, you
21 know, in the glimpse as you're driving by, the impression of
22 intoxication. As if the two males were helping her walk, but
23 she was at that point -- from, once again, impressions -- she
24 was at least walking, standing upright. You know, somewhat
25 on her own, but getting helped by the other two males.

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1 If "helped" is the right word, you know what I'm
2 saying, you know.

3 Q. Now, you said you saw a car a little further on?

4 A. A truck. A small truck.

5 Q. Did that truck seem familiar to you?

6 A. It did, but I don't remember much of the truck.
7 It was -- and that was one thing that I cannot remember stuff
8 on.

9 Q. And you know Kathy McGuffin, do you not?

10 A. Yes, I do.

11 Q. She works at the hospital?

12 A. Yes, she does.

13 Q. And at times she would drive a pickup truck?

14 A. Yes, she would.

15 Q. I believe you told the police that while you
16 weren't certain, that you thought the truck kind of looked
17 like Kathy McGuffin's truck?

18 A. Yes. It -- it had resemblances, yes.

19 Q. Now, you indicated that when you put all this
20 together, you said, Oh my gosh, I better go tell the police?

21 A. Correct.

22 Q. And you went and talked to Chief Reaves of the
23 Coquille Police Department?

24 A. Yes, I did. Yes.

25 Q. How did he react to your information?

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1 A. Um, he didn't treat me real well, I'll be honest
2 with you. Made me feel as if I really -- he basically, when
3 I handed him the call sheet to prove to him what time I had
4 left, he said, What are you giving this to me for? And I
5 said, So that -- you know, there's absolute proof of what
6 time I left the hospital, and you could have an idea of what
7 time I saw what I saw.

8 And he basically blew me off, didn't take any
9 written statement whatsoever, and I left.

10 Q. I don't think I have any other questions for you.

11 A. Okay.

12 Q. Do you have anything you think the -- other than
13 what we've talked about, that the grand jury should know?

14 A. Um, I can't think of anything else.

15 MR. FRAZIER: Does the grand jury want to ask her
16 anything?

17 THE WITNESS: Do you guys have any questions for
18 me?

19 GRAND JUROR: When you say the body type, and you
20 think it was kind of like Brent --

21 THE WITNESS: Mm-hmm.

22 GRAND JUROR: -- you're familiar with Brent and
23 it struck you as that's who it was? Is that why
24 (indiscernible)?

25 THE WITNESS: Yeah. And it struck me as

Jennifer Storts

1 especially -- and you know the bad thing about it is, which
2 you have to understand, it's very hard for me to say that.
3 That is a very good friend of mine's brother, okay? A friend
4 that I've had my entire life, okay? So that's very difficult
5 for me to even say that.

6 However, that -- it -- if, quote/unquote, it was
7 Brent, it would have been Brent, Leah, and then whoever that
8 other person was. And that person I saw up quick like this,
9 with a hood. And what I saw, I can't say it wasn't him. Let
10 me put -- I absolute -- I cannot say that it was not him.
11 You know, the double-double negative thing. I can't say it
12 wasn't.

13 Body type, the walk, the slim shoulders. The --
14 the skinniness.

15 GRAND JUROR: Could you see if the girl looked
16 like Leah or did she have long hair or short hair?

17 THE WITNESS: All I remember about the girl was a
18 skinny small girl with blonde hair. Blonde -- I mean, the
19 blonde hair is what sticks out at me from -- you know.

20 GRAND JUROR: And clothing?

21 THE WITNESS: I can't -- I don't remember any of
22 that.

23 GRAND JUROR: You said at Fairview Mountain?

24 THE WITNESS: Mm-hmm.

25 GRAND JUROR: Tell me, where's that?

Jennifer Storts

1 Can you show on the map? I think that map would
2 have it over there. Maybe you can help us.

3 THE WITNESS: Yeah, I was going up the -- to the
4 top side of Fairview Mountain. I wasn't -- I hadn't crested
5 the mountain yet.

6 GRAND JUROR: I don't know if this shows the
7 mountain on it.

8 THE WITNESS: Um, so -- well, it would have been
9 at the top side. There's Bob Geaney Lane, so it would have
10 been -- what road is that?

11 GRAND JUROR: I think that is (indiscernible).

12 GRAND JUROR: It's before you got to the top
13 of --

14 THE WITNESS: It's before you get to the top of
15 Fairview Mountain.

16 GRAND JUROR: Before Lee Valley?

17 THE WITNESS: You remember, before Lee Valley
18 turnoff, you guys -- if anybody remembers where Carol Major
19 used to live, on that sharp corner. There's a barn there.
20 So directly across from --

21 GRAND JUROR: Where in relation to the Heeston
22 (phonetic) house?

23 THE WITNESS: The Hees -- the actual new Heeston
24 house, or the --

25 GRAND JUROR: The new Heeston.

Jennifer Storts

1 THE WITNESS: The new Heeston house.

2 GRAND JUROR: Up on top of the hill.

3 THE WITNESS: Or the -- the one on the very top
4 of the hill, or the new one that they put in?

5 GRAND JUROR: Oh, well, see, now I don't know
6 about the --

7 THE WITNESS: So you're talking about the one on
8 the very top of the mountain?

9 GRAND JUROR: Yeah, where Dean lived, himself.

10 THE WITNESS: Okay. So just about -- it's not
11 even going to be a mile down the mountain on the Coquille
12 side. Does that make --

13 GRAND JUROR: Okay. About where the big sweeping
14 corner is?

15 THE WITNESS: Exactly. That's why it startled
16 me, because I'm going around. So I come up, and there's the
17 two -- so I'm coming up Fairview Mountain, and there's the
18 two houses on the left, um, you know, as you're going up the
19 mountain, the two that are kind of close to each other.

20 GRAND JUROR: The original Heeston place.

21 THE WITNESS: And see, I don't know that. I
22 don't know if that's it or not.

23 And you come around that first corner, and it's a
24 -- it's a turn to the left, and then there's that driveway.
25 Remember where it fell off, and they've had to do all that --

Jennifer Storts

1 GRAND JUROR: (Indiscernible) lives up there?

2 THE WITNESS: I don't know that. I don't know
3 who lives up that side, who owns that place now. And it's
4 where the mountain -- the mountain actually slid off a little
5 bit, and they had to do all that work. That's where I saw
6 them. And then as you came around that other complete
7 hairpin curve, is right where I saw -- right where I saw the
8 truck.

9 GRAND JUROR: And where were they carrying her,
10 like off of the road --

11 THE WITNESS: They weren't carrying --

12 GRAND JUROR: -- or -- you know.

13 THE WITNESS: They were just on the side of the
14 road.

15 GRAND JUROR: Going away from the car? To the
16 car?

17 THE WITNESS: Going towards the car. And the car
18 was parked above where they were at.

19 GRAND JUROR: How far?

20 THE WITNESS: 50 yards. 70 yards.

21 GRAND JUROR: They were that far from the --

22 THE WITNESS: Yes, because it -- because once
23 again I had enough time to think as I was driving, do I need
24 to go back and ask them if they need a ride, before.

25 GRAND JUROR: And what color was the truck?

Brent Bartley

1 THE WITNESS: I can't tell you that. I can't
2 tell you that. Not -- not with a for-certain answer, no.

3 MR. FRAZIER: Okay. Anybody else? Any other
4 questions? I'm sure she wants to go back to work.
5 (Laughter.)

6 THE WITNESS: I took PTO to be here. This is my,
7 quote/unquote, day off.

8 GRAND JUROR: Thank you very much.

9 GRAND JUROR: All right. Go enjoy it.

10 THE WITNESS: Yeah.

11 MR. FRAZIER: All right. Thank you.

12 **TESTIMONY OF BRENT BARTLEY**

13 (Witness sworn.)

14 BY MR. FRAZIER:

15 Q. First of all, sir, I just want to let you know,
16 this is the grand jury for Coos County, and we're looking
17 into the disappearance of Leah Freeman, and her death. Okay?
18 It's obvious, but I've turned some recorders on, so recording
19 what happens here today. Okay?

20 A. Yes.

21 Q. All right. First of all, could you tell us your
22 name, sir, and where do you live?

23 A. I'm Brent Bartley. I live at 275 North Broadway,
24 Apartment 301, Coos Bay, Oregon.

25 Q. How old are you, sir?

N. Holling

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1 grand jury should know, that we haven't talked about with
2 you?

3 A. No. Not -- not that I can think of.

4 MR. FRASIER: Grand jury want to ask her any
5 questions.

6 GRAND JUROR: I mean, I guess I was indicating --
7 did you say Kristen Steinhoff is the one that told you the
8 story about the kidnapping?

9 THE WITNESS: Yeah.

10 MR. FRASIER: Anybody else?

11 Okay. I think that will do it.

12 THE WITNESS: Okay.

13 **TESTIMONY OF NIKKI HOLLING (WEBBER)**

14 (Witness sworn.)

15 BY MR. FRASIER:

16 Q. Okay. First of all, this is the grand jury for
17 Coos County, and we're looking into the death of Leah
18 Freeman. And it's obvious I turned on a recorder, so we're
19 recording the proceedings. I just wanted you to be aware of
20 that.

21 First of all, could you tell us your name and
22 where you live.

23 A. Nikki Holling, and Coos Bay, Oregon.

24 Q. All right. And were you in the past known as
25 Nikki Webber?

N. Holling

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1 A. Yes.

2 Q. Now, you're probably going to have to speak up
3 because of the air conditioner, so everybody can hear you.
4 All right?

5 A. Okay.

6 Q. The reason I've asked you here today is we
7 received some information from the McGuffin family that we
8 wanted to ask you about. And were you familiar with an
9 individual named Alex Schradel (phonetic)?

10 A. Yes.

11 Q. How did you know Alex?

12 A. He was my boyfriend for probably six months.

13 Q. Okay. And he had been in jail here at Coos
14 County for a while?

15 A. I'm sure, yeah.

16 Q. Okay. That was one time he was on a -- oh, how
17 do I want to put it? He was on the work crew and he escaped
18 from the work crew and he got into more trouble, and that
19 type of thing. Does that ring any bells with you?

20 A. Yeah.

21 Q. Okay. Well, the reason I wanted to bring you in
22 is apparently Mr. Schradel -- well, let me back up.

23 Do you know a Tom Stemmerman?

24 A. Yes.

25 Q. How did you know Tom?

N. Holling

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1 A. Tom was my boyfriend also.

2 Q. Before or after Alex Schradel?

3 A. Bef -- no, after.

4 Q. Okay. Recently, I guess I need to bring this up,
5 is as a -- at the time that you were with Mr. Stemmerman, did
6 you actually stay with him, live with him out at his home on
7 Libby Drive?

8 A. Yes.

9 Q. And was that during the time frame when Leah
10 Freeman had disappeared, in the year 2000?

11 A. Yes.

12 Q. Okay. Did you ever see Leah Freeman out at Tom
13 Stemmerman's house?

14 A. No.

15 Q. There was a story floating around that she was
16 hit by a car and taken to Tom Stemmerman's house, and then
17 one story has her being tied up in the basement. Another
18 story that she was tied up and gagged in a bedroom. And
19 another story that she was stashed in the attic.

20 Did you -- so just so we're clear, you never saw
21 Leah Freeman out there at that house?

22 A. No.

23 Q. Okay. Do you know anything about bloody clothes
24 that were supposedly out at Tom Stemmerman's house?

25 A. I heard that Bill Sero brought bloody clothes and

N. Holling

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1 put them in a trailer that was out front of Tom's house.

2 Q. And -- but did you ever see these clothes?

3 A. No.

4 Q. Who told you that there was bloody clothes out
5 there; do you recall?

6 A. I -- hmm. I don't recall, no.

7 Q. Okay.

8 A. That was at Tom's house, but I don't remember who
9 was there.

10 Q. All right. You know Alicia Michaud?

11 A. Mm-hmm.

12 Q. How do you know Alicia?

13 A. Oh, I met her, God, ten years ago, just through
14 Tom.

15 Q. Okay. Did you ever spend -- you know, I'm not
16 trying to embarrass you or anything, but did you ever spend
17 any time in jail with Alicia?

18 A. Yes.

19 Q. Okay. Did you tell the officers here lately that
20 you didn't get along with her too well, so the jail staff
21 kept you two separate?

22 A. Yes.

23 Q. Did Alicia ever threaten you?

24 A. She did once, yeah.

25 Q. And she tried to cut your throat, "like I did

N. Holling

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1 Leah Freeman's"?

2 A. Yeah.

3 Q. Okay. Why don't you tell us about that
4 statement, about what she told you about that.

5 A. Um, I don't really remember what we were arguing
6 about, but she apparently was angry and did say she would
7 slit my throat like she did Leah Freeman's. And they put her
8 in her cell, and that was it.

9 Q. Okay. I guess I need to back up. Did -- you
10 were with Tom during the time frame that the police were
11 investigating Leah Freeman's death. Is that right?

12 A. Yes, I believe.

13 Q. And the actual time that Leah disappeared, you
14 were actually in jail at that time. Is that right?

15 A. Yes.

16 Q. You were in jail, according to jail records, June
17 26 of 2000 till July 21 of 2000. That sounds about right?

18 A. Yeah.

19 Q. Now, I'm going to ask you a few questions.

20 Do you know Bill Sero?

21 A. Yes.

22 Q. Okay. How well do you know Bill?

23 A. I only met him three times, maybe.

24 Q. Okay. Has anybody told you that they killed Leah
25 Freeman?

N. Holling

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1 A. No.

2 Q. Did Tom Stemmerman ever tell you that he ran over
3 Leah Freeman with a car or harmed her in any way?

4 A. No.

5 Q. Out -- did Alicia Michaud, outside of "I'll cut
6 your throat like I did Leah Freeman's," did she ever say
7 anything about Leah Freeman being murdered?

8 A. No.

9 Q. Bill Sero, the same question?

10 A. No.

11 Q. Has anybody told you that they were involved in
12 the death of Leah Freeman?

13 A. No.

14 Q. Outside of what we've talked about here this
15 afternoon, is there anything else you think the grand jury
16 needs to know about Leah Freeman?

17 A. No.

18 Q. Oh, let me ask you this: Did Tom Stemmerman like
19 it when people were scared of him?

20 A. Hmm. Uh, he probably did, yeah.

21 Q. Okay. I've reasoned that.

22 Did he carry any guns with him?

23 A. Always.

24 Q. Did he want people to know he had guns?

25 A. Yeah.

N. Holling

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1 Q. Did he ever point a gun at you or threaten you
2 with a gun?

3 A. No.

4 Q. Did he ever hurt you in any way while you were
5 with him?

6 A. Nope.

7 Q. Okay. Have you ever had any contact with Nick
8 McGuffin?

9 A. My sister dated him for like two months.

10 Q. Okay.

11 A. But other than that, no.

12 Q. And your sister is who?

13 A. Cory Wilbur (phonetic).

14 Q. Did you kind of warn your sister to stay away
15 from Nick McGuffin?

16 A. Um, I told her I'd heard, yeah. But they worked
17 together so it was kind of hard for her to stay away.

18 Q. Okay. Was that at the Captain's Choice?

19 A. Yes.

20 MR. FRASIER: Okay. Now I think I'm out of
21 questions. Does the grand jury want to ask her anything?

22 GRAND JUROR: Yeah, I do.

23 You were in jail from June 26th to July 28th,
24 roughly?

25 THE WITNESS: No --

N. Holling

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1 GRAND JUROR: When you went to jail, did Tom
2 conduct a lot of his business in his basement?

3 THE WITNESS: What business?

4 GRAND JUROR: Dealing drugs?

5 THE WITNESS: Um, there was a room down there, so
6 he was down there a lot, yeah.

7 GRAND JUROR: Did that change after you got out
8 of jail?

9 THE WITNESS: Mm --

10 GRAND JUROR: Did he not let people go down there
11 for any reason?

12 THE WITNESS: Huh-uh.

13 GRAND JUROR: Did he still go down there?

14 THE WITNESS: Yeah.

15 GRAND JUROR: Okay. Did you ever see the bag of
16 bloody clothes?

17 THE WITNESS: No.

18 GRAND JUROR: Did Tom ever indicate what they
19 were? Were they Bill's, or did Bill bring them --

20 THE WITNESS: Um, I --

21 GRAND JUROR: -- from somebody else?

22 THE WITNESS: -- heard Bill brought them, but I
23 don't know from where or whose they were.

24 GRAND JUROR: So you heard the story when you
25 were back at Stemmerman's house?

R. Crook

1 THE WITNESS: It was probably after that, a
2 couple of months after that.

3 GRAND JUROR: So the story didn't -- you didn't
4 hear it from either Tom or Bill, then?

5 THE WITNESS: No.

6 GRAND JUROR: Did you know what was going on in
7 the room in the basement?

8 THE WITNESS: That -- yes.

9 GRAND JUROR: And what was that?

10 THE WITNESS: Oh, he dealt a lot of drugs, for
11 sure.

12 MR. FRASIER: Any other questions?

13 Okay. That'll do it.

14 THE WITNESS: All right.

15 MR. FRASIER: You can take off. Thank you.

16 THE WITNESS: You're welcome.

17 **TESTIMONY OF RICKY CROOK**

18 (Witness sworn.)

19 BY MR. FRASIER:

20 Q. Okay. This is the grand jury for Coos County.
21 This -- and we're looking into the death of Leah Freeman.
22 Okay?

23 And I have to advise you we're recording the
24 proceedings.

25 A. Okay.

Anthony Wetmore

COQUILLE, OREGON; FRIDAY, JULY 23, 2010, 12:17 P.M.

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TESTIMONY OF ANTHONY WETMORE

(Witness sworn.)

BY MR. FRAZIER:

Q. First of all, sir, this is the grand jury for Coos County, and we're looking into the death of Leah Freeman. I need to tell you, even though it's obvious, we're recording you. Okay?

A. Yes, sir.

Q. First of all, could you tell us your name and your occupation, please.

A. Anthony S. Wetmore. I'm a police officer with the City of Coos Bay Police Department.

Q. How long have you been with the police?

A. I've been at the police department since 1993, first three years as a 9-1-1 dispatcher, and then on the road as a -- either a patrol officer or a detective since '96.

Q. In the year 2000 were you assigned to work on the detective or investigations division of your (indiscernible) department?

A. Yes, I was.

Q. And in the latter part -- well, in July of 2000 were you asked to assist with the major crime team in the investigation of the death of Leah Freeman?

Anthony Wetmore

1 A. Yes, I was.

2 Q. Or a missing Leah Freeman?

3 A. Yes, I was.

4 Q. Directing your attention now to August the 3rd of
5 2000, were you working that day?

6 A. Yes, I was.

7 Q. Was that actually a day off for you or something?

8 A. I don't believe it was. I believe it was a
9 regular day, if I recall.

10 Q. All right. When you came in, did you team up
11 with a couple of people that day?

12 A. Yes, I did. We went out to breakfast, either
13 during or at the start of our shift, I don't recall. But it
14 was with Detective Curt Bennett from North Bend PD, Detective
15 Cal Mitts, who's also from Coos Bay PD, and medical examiner
16 Kris Karcher. And we had breakfast and discussed what we
17 were going to do.

18 Q. Now, did you actually come in to talk to Chief
19 Reaves and say, Hey, what do you want us to do today? Or did
20 you guys kind of formulate your own plan?

21 A. It -- it was on our own.

22 Q. And what did you do?

23 A. Well, it was decided we had talked to Lieutenant
24 Larry Leader from the sheriff's office, just trying to get
25 ideas of possible places to look, maybe areas that hadn't

Anthony Wetmore

1 been considered to check. Or just -- he's -- he's got years
2 of experience and wealth of information in regards to missing
3 people over the years, places where bodies have been found
4 historically in the county. Things like that. Areas where,
5 you know, difficult areas.

6 There were -- one area that we intended to hit
7 was up Hudson Ridge, where one of the -- one of the shoes had
8 been located, which we were aware had already been searched,
9 but we wanted to -- to hit that area again, maybe -- maybe
10 hit an area that hadn't been searched, or maybe find
11 something that had been missed, because that obviously,
12 because of the shoe, we felt was a significant area.

13 The other area that was suggested to us by
14 Lieutenant Leader was an area on Lee Valley Road. There's an
15 area by the -- by the river or creek, I'm not real familiar
16 with the geography around Coquille, but near the river or
17 creek where, as Lee Valley Road goes uphill, there's a cliff
18 off to one side over that river. And to be honest I'm not
19 sure why he suggested that area, if there'd been some
20 historical significance as far as people being found or the
21 fact that he just knew that was -- that would have been a
22 difficult area to search.

23 We were aware that it was either search and
24 rescue or maybe other detectives had checked the area of the
25 river, but I believe it was in boats, and there was an area

Anthony Wetmore

1 that was impassible by boats, that was below that cliff. And
2 so that was the other area that we were going to hit.

3 Um, we had decided, Detective Mitts and myself
4 were going to get our -- go back home, equip ourselves, get
5 some waders so that we could actually walk the river in the
6 area that was impassible by boats.

7 And Detective Bennett and Kris Karcher were going
8 to walk the road above the -- above the river, looking down,
9 and we were going to kind of attack it from -- in that way.

10 As luck would have it, in my rush to equip up,
11 get water, get -- you know, things that we knew we were going
12 to need. It was very hot out. When I rushed back home to
13 get my things, I forgot my waders. So when we began
14 searching that second area, which we arrived at that area
15 about 2:50 in the afternoon, there's a gravel pull-off on Lee
16 Valley Road that was just several hundred yards away from
17 where -- where I later found the body. We parked there.
18 Detective Mitts and myself started walking the river. He was
19 walking actually in the river. I was walking along the edge
20 of the river, since I had forgotten my waders conveniently.

21 We hadn't gone very far from the car, maybe
22 within -- within a couple of hundred yards of where we had
23 parked the car, we began walking the river. I had stepped up
24 onto a -- a root wad that was alongside the river, and just
25 caught -- caught a whiff of something dead. Unmistakable.

Anthony Wetmore

1 And just -- just that fast, it was gone.

2 You know, it -- it stopped me dead in my tracks,
3 and I looked around, continued smelling, and I -- I never
4 smelled it again. But I was so certain I had smelled
5 something, I called Detective Mitts over. He stood in the
6 same spot, you know. I -- I assumed that maybe I had gotten
7 used to the smell, maybe, the way you sometimes do with, you
8 know, candles in your home or things like that. And he -- he
9 didn't smell it. He continued to go back to the river and
10 began checking.

11 I was certain I had smelled something, and
12 looking around that immediate area found -- found nothing.
13 And I just, for whatever reason, I headed off perpendicular
14 from the river, just walking towards the treeline along Lee
15 Valley Road, walking through the brush and looking around.
16 It was kind of -- thinking back on it, bizarre for me,
17 because I never again, until I was literally standing over
18 the body, didn't smell it again. So it wasn't odor or
19 anything like that that led me to that. I just picked a
20 direction and started going.

21 When I got to a dense brushy area, near the road,
22 there was -- I could see trash and things like that that were
23 kind of scattered throughout the area, which I later had been
24 told was kind of a common area for people to dump garbage and
25 things like that. I got up along near the brush and I -- I

Anthony Wetmore

1 saw what, looking through the brush, what drew my attention
2 to that was it -- I saw what looked literally to be like a
3 red -- like a glowing red lightbulb.

4 Um, and -- you know, I understand that all these
5 thoughts probably happened just over a matter of a second or
6 two, but it just seemed like an eternity. I'm looking at
7 this glowing red, what looks like a glowing red lightbulb,
8 and trying to process what that could possibly be. It looked
9 real smooth. It looked like maybe it was plastic or
10 something, and that the -- the sunlight was illuminating it.
11 And as I kind of looked down and over to the right, I looked
12 directly into the -- into the eyes of the -- or the face of a
13 human body.

14 What it was that I was seeing, I realized, was
15 the -- the heel of the female that had been kind of up in the
16 air, the way she was situated with her one leg kind of
17 propped up or on the other leg, however she was. And it was
18 actually the sunlight coming through the -- through the heel,
19 that I had seen initially.

20 Told Detective Mitts, you know, what -- you know,
21 to come over to my location. I never did approach.
22 Probab -- at that point, didn't approach any closer than
23 probably from myself to the other end of this table, maybe,
24 because there was brush between myself and the body, and I
25 was looking through the brush seeing this. So I was maybe

Anthony Wetmore

1 six, eight feet away.

2 Called Detective Mitts to my location, and I
3 contacted Detective Main, who was our supervisor at that
4 time, on the cell phone. And we began securing the area. A
5 major crimes team call-out was initiated at that point,
6 calling out other investigators.

7 While we awaited other people to arrive, I took
8 crime scene tape from my vehicle. And we had blocked off the
9 roadway on either side of where the body was located, several
10 hundred yards either side, and I strung crime scene tape --
11 crime scene tape throughout the woods between where the body
12 was located and the river, to block that area off as well.

13 Q. When you found the body, did you have -- from
14 what you could see, did it appear to have been laying there
15 for a while?

16 A. Yes, it did.

17 Q. What would cause you to believe that?

18 A. There was severe decomposition. I mean,
19 obviously the hair wasn't decomposed. And that was one of
20 the things that, you know, really startled me and startled me
21 for months, you know, seeing that, was long blonde hair and
22 other than that, everything, at least in the facial area,
23 which the only part of the body itself that I could really
24 see was the facial area.

25 And then the -- the foot, obviously, that had

Amanda Landmark

1 been exposed, because there was no sock on it. Other than
2 that, there was clothing, but what I could see was
3 decomposed.

4 MR. FRAZIER: I don't think I have any other
5 questions for Officer Wetmore. Does the grand jury want to
6 ask him anything? Okay.

7 THE WITNESS: Thank you.

8 MR. FRAZIER: You can go back to work.

9 **TESTIMONY OF AMANDA LANDMARK**

10 (Witness sworn.)

11 BY MR. FRAZIER:

12 Q. First of all, could you tell us your name,
13 please.

14 A. Amanda Landmark.

15 Q. And where do you live (indiscernible)?

16 A. 58864 Fairview Road, Coquille, Oregon.

17 Q. This is the grand jury for Coos County, and we're
18 looking into the death of Leah Freeman. Kind of obvious, but
19 I need to tell you we are recording the proceedings.

20 A. I see.

21 Q. Okay?

22 First of all, ma'am, how long have you lived in
23 the Coquille area?

24 A. Since I was 12, so 13 years.

25 Q. And in the year 2000 -- well, I'm not supposed to

C. Wright

1 GRAND JUROR: And people spent the night that
2 night?

3 THE WITNESS: Mm-hmm.

4 GRAND JUROR: But you don't know who --

5 THE WITNESS: I don't know who all stayed the
6 night. The next day it was just me there, so I don't know
7 where -- what happened after I went to sleep.

8 GRAND JUROR: So when you woke up in the morning,
9 there was no one else --

10 THE WITNESS: No one was there. It was just a
11 big mess, yeah.

12 GRAND JUROR: Did you own a car or vehicle at the
13 time?

14 THE WITNESS: No.

15 GRAND JUROR: Okay.

16 MR. FRASIER: Okay. Any other questions?

17 Okay, sir. That will do it. You're free to go.

18 THE WITNESS: All right.

19 **TESTIMONY OF CRYSTAL WRIGHT**

20 (Witness sworn.)

21 BY MR. FRASIER:

22 Q. First of all, this is the grand jury for Coos
23 County.

24 A. Okay.

25 Q. And we're looking into the death or disappearance

C. Wright

13

1 of Leah Freeman.

2 A. Okay.

3 Q. First thing I've got to let you know is -- it's
4 obvious, but we're recording the proceedings.

5 A. All right.

6 Q. Okay?

7 First of all, could you tell the grand jury your
8 name and where you live, please.

9 A. Crystal Wright, and I live in Coos Bay, Oregon.

10 Q. And are you acquainted with an individual named
11 Alicia Michaud?

12 A. Yeah. She's actually sitting right outside,
13 which I wasn't too happy about that.

14 Q. Okay. I didn't know she was going to be here
15 this early. We'll call her (indiscernible).

16 Well, first of all, how well do you know Alicia?

17 A. Um, our kids went to school together, and her and
18 I became really good friends. And she would come over to my
19 house and hang out, and do laundry, and we just used to hang
20 out during the days because neither one of us worked at that
21 time.

22 Q. Was Alicia into methamphetamine?

23 A. Um, I knew she was into drugs. I didn't know
24 what sort of drugs, but I do know that she was into drugs.

25 Q. All right. I don't mean to embarrass you or

C. Wright

1 anything, but did you guys use drugs together or anything?

2 A. No, I -- I've never used drugs.

3 Q. Okay. Very good.

4 I have information that four or five years ago
5 Alicia told you something about the Leah Freeman case.

6 A. Yes, she did.

7 Q. Okay. Could you tell the grand jury, please,
8 what Alicia told you about that.

9 A. She told me she was with them the night that Leah
10 had died. That they were driving in Coquille and there
11 was -- she only told me two of the other people's names. And
12 they seen her, they hit -- ran her over with their car. And
13 they thought they'd killed her. They put her in the car with
14 them, and Leah came to and started fighting for her life.
15 And they like started beating on her, took her up into the
16 woods, and finished her off. She told me they ripped out her
17 teeth and tore her fingernails off, and then dumped her body.

18 Q. Did she say who the other two people were?

19 A. Bill Sero and Tom Stemmerman.

20 Q. When she told you this, how was she behaving?

21 A. Scared.

22 Q. Scared?

23 A. I told her she should go to the police, and she
24 said that she had called once but didn't, you know, continue
25 the call. She had hung up before anybody answered. She was

C. Wright

15

1 too scared to say anything.

2 Q. And she told you she had been to the police many
3 years before and told the same story several times?

4 A. No.

5 Q. Okay. I guess -- is that the only time she ever
6 discussed Leah Freeman with you?

7 A. Yeah, because I had told her, you know, I didn't
8 even want to know about it because, you know, I didn't want
9 my family endangered. So I told her I didn't want to know
10 about it, and she just kept talking and talking and told me
11 what I just said, and -- I didn't want to know.

12 Q. You told, I believe it was Officer Babb, with the
13 Coos Bay Police Department --

14 A. Yes. He was my neighbor.

15 Q. When did you first tell the police about this?

16 A. Well, I called (indiscernible) and told him I
17 would like to remain anonymous, shortly after you guys
18 reopened the investigation. And that same night I was going
19 driving home and Officer Babbs was going for a run, and I
20 happened to see him. And I thought, okay, it's -- maybe it's
21 supposed to be that I run into him and just talk to him. So
22 I talked to him a little bit.

23 I didn't tell him everything at that point, that
24 I knew, and he said he would get back to me. And when he
25 did, he said that some of the stuff I said may not have been,

C. Wright

1 you know, really what happened. So the next time I seen him
2 I said, Okay, well, maybe I have a little bit more
3 information you might want to know, and that's when I told
4 him about her teeth and her fingernails. And he asked me how
5 come I didn't tell him sooner, and I said, you know, I mean,
6 I don't want to put my family in danger. You know, this is
7 my life too, you know. And if they can do it once, who's to
8 say they won't do it again, especially if I'm right, you
9 know. So.

10 Q. Well, if I were to tell you her teeth were not
11 pulled and she didn't lose her fingernails --

12 A. That would make me feel a lot better.

13 Q. Okay. I'll tell you that (indiscernible).

14 A. Okay.

15 Q. Anything else about this that you think we ought
16 to know about?

17 A. No.

18 Q. Do you have any other information about the death
19 of Leah Freeman?

20 A. No.

21 MR. FRASIER: I don't have any other questions.
22 Does the grand jury want to ask her anything?

23 GRAND JUROR: Was that the only time she ever
24 mentioned this stuff to you?

25 THE WITNESS: Yeah.

C. Wright

17

1 GRAND JUROR: Did she have a propensity to tell
2 stories?

3 THE WITNESS: She had never told anything like,
4 you know, that before. She just said that she was at that
5 party and she was hanging around with them, and they went for
6 a drive. She said that they were all drugged-out and drunk,
7 and that she remembers hitting her and then putting her in
8 the car. And then she said that she believed that they took
9 her fingernails off and her teeth were pulled out, and they
10 beat her with a crowbar and finished her off.

11 GRAND JUROR: Do you know what kind of car?

12 THE WITNESS: I don't know what kind of car it
13 was.

14 GRAND JUROR: So it sounds like, the way you just
15 said that, that she was describing it as the -- what they had
16 told -- someone had told her they did to her. She wasn't
17 actually saw --

18 THE WITNESS: She said that she was in the car
19 when it happened. She said she was in the front seat, and
20 that they had put her in the back seat, put Leah in back
21 seat.

22 GRAND JUROR: Mm-hmm.

23 THE WITNESS: And they thought she was dead, and
24 they were going to go dump her. And she came to, I guess,
25 and started fighting, so they started beating on her.

C. Wright

1 GRAND JUROR: Did they say where they did it at?

2 THE WITNESS: They said they ran her over up by
3 the high school, and then they put her in the back seat of
4 the car, and then they turned on Fairview Road and went up
5 that way.

6 GRAND JUROR: Did they say whose car it was?

7 THE WITNESS: They didn't -- she didn't tell me
8 whose car.

9 GRAND JUROR: Was there anything -- I know it's
10 hard to probably remember all the conversation now, okay, but
11 is there anything that led up to this in the conversation?
12 Were you talking about anything?

13 THE WITNESS: I don't -- you know, I've been
14 thinking about how that conversation even came about, where
15 she came out and was telling me. I just -- all I remember is
16 where I was standing in my house at the time, and she just
17 came up to me and told me. You know, I don't remember if
18 there was something in the paper that had, you know, had her
19 in it at the time.

20 GRAND JUROR: Did it -- I mean, I'm trying to
21 kind of get a feel for did it come across like I'm trying to
22 get this off my chest, or just as a matter of fact I know
23 what happened?

24 THE WITNESS: She felt like she kind of -- it
25 seemed like she wanted to get it off her chest. That it had

C. Wright

19

1 been something that she'd been wanting to talk about, and she
2 felt like she could trust me, I guess. You know, I'm
3 actually a pretty good friend, but --

4 GRAND JUROR: Mm-hmm.

5 THE WITNESS: I mean, it took me this long to
6 come forward with what she had told me.

7 GRAND JUROR: So just recently you came forward
8 with this?

9 THE WITNESS: Yes, when you -- they reopened the
10 case.

11 GRAND JUROR: Mm-hmm.

12 GRAND JUROR: Was there any special reason you
13 would have thought that your family would be in danger if you
14 pursued --

15 THE WITNESS: Well, if they know that I'm giving
16 up names of people who may have killed somebody, I mean --

17 GRAND JUROR: So there are -- there was a kind of
18 feeling around here that you -- people wanted to be quiet --

19 THE WITNESS: Well, for one, I don't know who
20 Bill Sero or Tim Stemmerman are. I mean, I know who Tim --
21 or Tom is, because, you know, his dad's pretty big in the
22 community with his construction business. But I don't know
23 what they look like, you know. So -- she obviously knows who
24 I am, but the other two don't, so.

25 GRAND JUROR: Okay.

A. Lambert

1 GRAND JUROR: Do you -- I know this is probably a
2 hard one, but do you think it's something -- well, she -- I
3 mean, she would remember telling you this? I mean, wasn't
4 she, at the time -- you think she probably remembers making
5 this statement to you?

6 THE WITNESS: Oh, I'm sure she does, because when
7 she seen me walking down the hall she about got a ghostly
8 look on her face. And I'm sure she knows why I'm here,
9 because other than that statement she told me, there would
10 have been no other reason for me to be here.

11 MR. FRASIER: Any other questions?

12 I just thank you for coming forward.

13 THE WITNESS: That's why I was (indiscernible) a
14 little bit. Otherwise, I --

15 MR. FRASIER: I'll come out with you, here.

16 **TESTIMONY OF ALICIA LAMBERT (MICHAUD)**

17 (Witness sworn.)

18 BY MR. FRASIER:

19 Q. Okay. First of all, this is the grand jury for
20 Coos County, and we're looking into the death or
21 disappearance of Leah Freeman. Okay?

22 A. Okay.

23 Q. It's obvious, but I need to tell you we're
24 recording this, okay?

25 And because you're kind of soft-spoken, it sounds

Ashley Slagle

1 Okay, sir. I think that will do it. Thank you
2 for coming in.

3 THE WITNESS: Yeah. Yeah. You're welcome.

4 **TESTIMONY OF ASHLEY SLAGLE (AMELUNG)**

5 (Witness sworn.)

6 BY MR. FRASIER:

7 Q. First of all, this is the grand jury for Coos
8 County.

9 A. Okay. Hello.

10 GRAND JUROR: Hi.

11 BY MR. FRASIER:

12 Q. And we're looking into the death of Leah Freeman.

13 A. Yes.

14 Q. And I think it's obvious, but I turned on the
15 recorder. We're recording everything here today.

16 A. Yes.

17 Q. Okay?

18 First of all, could you tell us your name,
19 please, and where you live.

20 A. Ashley Slagle, maiden name is Amelung, and I live
21 in Myrtle Point, which is 1816 Sunset Court.

22 Q. And how long have you lived in Myrtle Point?

23 A. Um, for one year.

24 Q. Did you used to live in the Coquille area?

25 A. Yes.

Ashley Slagle

1 Q. Did you go to school here in Coquille?

2 A. Yes, I did.

3 Q. While you were going to school here, are -- did
4 you know an individual named Nick McGuffin?

5 A. Yes.

6 Q. How did you know Mr. McGuffin?

7 A. I dated him in high school.

8 Q. How long did you date him?

9 A. About, I'd say, five or six months.

10 Q. And did you know Leah Freeman?

11 A. Yes, I did.

12 Q. And how did you know Leah?

13 A. Just from school. I didn't like know her
14 personally, but I knew her, you know.

15 Q. Okay. Um --

16 A. I knew who she was.

17 Q. In relation -- did you know that at some point in
18 time Nick and Leah were boyfriend/girlfriend?

19 A. Yes.

20 Q. And your relationship with Nick, did that predate
21 or postdate the relationship with Leah?

22 A. She started dating him after the fact that I --
23 after we broke up, she started dating him.

24 Q. Okay.

25 A. Maybe a year or so after.

Ashley Slagle

1 Q. How did -- when you were with Nick, how did he
2 treat you?

3 A. Really, really -- he was a really -- he was a
4 gentleman.

5 Q. Okay.

6 A. Really good.

7 Q. One of the things I wanted to ask you about is
8 there was I think one witness that told us that Nick exposed
9 you to drugs and drinking and sex and --

10 A. Um, that is not true.

11 Q. So he was a gentleman to you?

12 A. He was a very nice man, yes. Or boy at the time,
13 I guess. (Laughs.)

14 Q. How old were you when --

15 A. Um, 14, almost 15.

16 Q. And he -- how old was he?

17 A. He was a junior, so I'm not too sure.

18 Q. Were you a freshman at the time?

19 A. Yes.

20 Q. Do you know an individual named Bill Sero?

21 A. Yes, I do.

22 Q. And how do you know Mr. Sero?

23 A. Baby-sitted [sic] his children.

24 Q. And when did you baby-sit his children?

25 A. Sophomore year? 15, 16, 17. I mean, I knew

Ashley Slagle

1 them. I knew his brother-in-law, through school also, Ryan
2 Davidson. And that's how I met the family.

3 Q. Then you knew Erika Davidson?

4 A. Yes. Yes, I baby-sitted her kids.

5 Q. Have you ever had a discussion with
6 Mr. Stemmerman about Leah Freeman?

7 A. Stemmerman?

8 Q. Or, excuse me, Sero.

9 A. Okay. Um, no, I did not have any conversations
10 with him.

11 Q. We've heard there's a rumor -- or I don't know, I
12 shouldn't say a rumor --

13 A. Mm-hmm.

14 Q. I didn't put it here in my notes where we found
15 it, but --

16 A. Okay.

17 Q. -- there was a witness that told us that they
18 heard from you that Sero had killed Leah Freeman and he shot
19 her in the face, cut her braces, pulled her teeth, and cut
20 off her fingers.

21 A. That's what I heard, personally, that Bill had
22 did that --

23 Q. Okay.

24 A. -- with a couple of other people. One of the
25 names was Alicia Michaud.

Ashley Slagle

1 Q. Okay.

2 A. I didn't know the other people that they said.

3 Q. Tom Stemmerman?

4 A. I don't know who that is.

5 Q. But did Mr. Sero tell you this directly?

6 A. No, he did not tell me that.

7 Q. All right. How did you get this information, do
8 you recall?

9 A. Um, just hanging around people, just discussion.
10 Like I said, it was rumor and speculation at the time, just
11 like it is now. And I really can't remember who told me. I
12 mean, it was a bunch of people.

13 Q. Has anybody told you that they were involved in
14 the death of Leah Freeman?

15 A. You mean Bill Sero?

16 Q. No, I mean has anybody --

17 A. Oh, come out and told me, personally, that they
18 were?

19 Q. Yeah.

20 A. No. No.

21 Q. Okay. Has anybody told you that they saw what
22 happened to Leah Freeman?

23 A. No.

24 Q. The information you have is what other people
25 have told you --

Ashley Slagle

1 A. What other -- like I said, rumor and speculation,
2 yeah.

3 Q. Right.

4 A. Yes.

5 Q. Is there anything else about this case that you
6 think we ought to know about?

7 A. No. I mean, that's all I really know about.
8 Nothing that's -- you know. No.

9 Q. Okay. I don't have any other questions.

10 Oh, let me ask you this. When you were
11 baby-sitting the -- for Sero and Erika, do you re -- do you
12 know what type of cars they might have had?

13 A. At the time it was a black Ford car.

14 Q. Did they have any other cars?

15 A. No, I don't think so, at the time.

16 Q. And --

17 A. I think Erika was the one that mainly drove that
18 black car.

19 Q. Did Bill have a -- like a lowrider pickup truck,
20 or anything like that?

21 A. Um, he may have, but I just -- to be honest with
22 you, it was ten years ago and I really do not remember.

23 MR. FRASIER: Any other questions?

24 GRAND JUROR: You baby-sat for Bill, you said?

25 THE WITNESS: Yeah, I baby-sat for Erika and he

Ashley Slagle

1 was around when I was baby-sitting.

2 GRAND JUROR: Did he -- would you describe him as
3 having a temper or anything?

4 THE WITNESS: Um, I'd describe him as a
5 psychopath. Yeah, he's really weird.

6 GRAND JUROR: Okay. So did you witness him have
7 violent behavior?

8 THE WITNESS: Yeah. Oh, yeah. He was a very
9 strange man.

10 BY MR. FRASIER:

11 Q. When we say violent behavior, did you ever see
12 him hit anybody or --

13 A. No. I mean, he just -- I mean, more verbally
14 than anything. I mean, real -- he just was a very -- I can't
15 ex -- I mean, like I said, he was very -- a strange person.

16 Q. Did it bother you to baby-sit there?

17 A. Uh, yeah. I just never knew when they were going
18 to show up, and -- you know, and just -- just -- I just
19 didn't like baby-sitting for them.

20 Q. They lived in Charleston then, correct?

21 A. Um, at the time they lived in Coos Bay. I guess
22 it would be Coos Bay, North Bend, at the -- he didn't live
23 there with her, but he was -- he'd come.

24 Q. Come and go?

25 A. Yeah, it was like an apartment building, complex.

Brandon Mayfield

1 But I did visit when they did live in Charleston too.

2 That's -- I very first met them when they lived in

3 Charleston.

4 MR. FRASIER: Any other questions?

5 Okay. That will do it.

6 THE WITNESS: All right. Thank you.

7 MR. FRASIER: You're free to go.

8 THE WITNESS: Thanks.

9 **TESTIMONY OF BRANDON MAYFIELD**

10 (Witness sworn.)

11 BY MR. FRASIER:

12 Q. Okay, sir. First of all, this is the grand jury
13 for Coos County, and we're looking into the death of Leah
14 Freeman.

15 A. Correct.

16 Q. First of all I've got to tell you, you probably
17 saw me do it, but we're recording the proceedings.

18 A. Okay.

19 Q. All right?

20 A. Fine.

21 Q. So first of all, could you tell us your name,
22 please, sir, and where you live.

23 A. Brandon Mayfield, and I live in Coquille, Oregon.

24 Q. How long have you lived in Coquille, sir?

25 A. About 15 years.

C. Young

1 driving a friend Zack's car at that time. But I don't --
2 it's never -- I -- yeah. I've never actually gotten that
3 detail. I never got any details of what they did after the
4 fact of -- you know, I was pretty much in Kristen's face,
5 telling her that, You need to go to the police. You need --
6 you know.

7 MR. FRASIER: Any other questions? I think we're
8 done.

9 THE WITNESS: Okay.

10 MR. FRASIER: Thank you. And you're free to go.

11 GRAND JUROR: Thank you.

12 **TESTIMONY OF CHRISTY DIANE YOUNG (CAGLEY)**

13 (Witness sworn.)

14 BY MR. FRASIER:

15 Q. Okay. First of all, ma'am, this is the grand
16 jury for Coos County, and we're looking into the death of
17 Leah Freeman. It's obvious, but I have to tell you I turned
18 the recorders on, so we are recording what's going on. Okay?

19 A. Okay. All right.

20 Q. First of all, could you tell us your name,
21 please, and where you live.

22 A. My name is Christy Diane Young, Y-O-U-N-G. I'm
23 formerly Cagley, C-A-G-L-E-Y. I live in Bandon, Oregon.

24 Q. How long have you lived over there in Bandon?

25 A. I've lived in Bandon a year.

C. Young

1 Q. Okay. Got to get to the right page here.

2 I have found it.

3 Okay. Are you familiar with an individual named
4 Nick McGuffin?

5 A. Yes, sir, I am.

6 Q. How do you know Nick?

7 A. I know Nick McGuffin from hanging out with the
8 Coquille kids back in 2000 and on. We used to do drugs and
9 party together.

10 Q. And so did you actually live over here in
11 Coquille, or were you --

12 A. No, I lived in North Bend/Coos Bay. I had very
13 close friends, and I dated a kid from Coquille at the time.

14 Q. Did you ever know Leah Freeman?

15 A. I never knew Leah Freeman personally, just her
16 boyfriend.

17 Q. Did you ever see her and Nick together?

18 A. Never.

19 Q. Do you know Wayne McGuffin?

20 A. Yes, I know Wayne McGuffin very well.

21 Q. How do you know Wayne, again?

22 A. The same scenario, again.

23 Q. Do you know an individual named Polly Parks?

24 A. I know Polly Parks very well.

25 Q. And how do you know Polly?

C. Young

1 A. Polly is one of my very good friends, and my
2 father's ex-girlfriend.

3 Q. Was Polly -- years ago, was she involved in
4 methamphetamine and stuff like that?

5 A. Yes, sir, she was.

6 Q. Do you know her daughter Pam?

7 A. I know Pammie very well too. And Sarah.

8 Q. Was there ever a period of time that you were
9 living with Polly Parks?

10 A. Yes.

11 Q. And do you recall when that was?

12 A. Um, it was the summer that Leah had gone missing.
13 I moved in with her two days after she had gone missing.

14 Q. And while you were living with Polly Parks, do
15 you recall Wayne and Nick McGuffin coming over to the home of
16 Ms. Parks?

17 A. Yes, sir, I do.

18 Q. Did they come over a lot or --

19 A. Quite a bit, yes.

20 Q. Do you recall them ever talking about Leah
21 Freeman and her disappearance? Those two individuals?

22 A. Uh, kind of chitchat, off and on. More mainly
23 when it first had happened, and they were investigating it
24 and looking for her. And when things would come up on the TV
25 about it, they would have little comments to say about it.

C. Young

1 Q. Was there ever a discussion when -- with, let's
2 say, Wayne, when it was announced publicly that a shoe
3 belonging to Leah had been found on Hudson Ridge?

4 A. Mm-hmm.

5 Q. What do you recall Wayne McGuffin saying at that
6 point?

7 A. I remember Wayne kind of snickering and saying,
8 They won't find anything from that. That's been thrown there
9 to put them off the trail.

10 Q. Did he further explain what he meant by that?

11 A. No, and I didn't care to elaborate with him on
12 it.

13 Q. You didn't want to know anything more?

14 A. Hmm-mm.

15 Q. Was that the --

16 A. This is bad enough ju-ju as it is.

17 Q. Now, do you recall, you know, you say you moved
18 in there a couple of days after Leah went missing?

19 A. Mm-hmm.

20 Q. And that it was a period of time before her body
21 was found. Do you recall anything like that (indiscernible)?

22 A. Oh, yeah.

23 Q. When the body was found?

24 A. Mm-hmm.

25 Q. This discussion that we're talking about here

C. Young

1 about the shoe on Hudson Ridge, it was put there to throw
2 them off, do you recall if that was before or after Leah's
3 body had been --

4 A. Before.

5 Q. Before the body was found?

6 A. Before the body was found. And I couldn't tell
7 you exactly how long before, but it seems like there was a
8 chunk of time in between the two events.

9 Q. Now, did Polly have a scanner, police scanner?

10 A. Yes, sir. Always listened to it.

11 Q. And what was she listening for?

12 A. Um, she actually -- she never listened to
13 anything in particular.

14 Q. Okay.

15 A. One, the noise, she loved the noise.

16 Q. Mm-hmm.

17 A. From previous experience and years before, she
18 didn't like the lonely creepiness of that hill. She loved
19 the noise. She'd just listen to things here and there. If
20 she did happen to hear, like a friend or something come up on
21 it, she'd be like, Oh, you're in trouble, you know. But
22 nothing in particular. It's not like she was sitting back
23 going, Hmm, you know, that's what's going on, guys.

24 No. It was just --

25 Q. It wasn't like she was listening -- they're on

C. Young

1 the way to search my house?

2 A. No, she -- no, she's always just had a scanner.
3 And, you know, to honestly, if she probably still has her
4 scanner, she'd probably still be listening to it. That's
5 just the type of person she is. She loves that noise, and
6 the chitter-chatter of it.

7 Q. Did you ever observe Nick in relation to that
8 scanner? I've heard some people talk about how Nick would
9 come over and just sit there and listen to that scanner, like
10 he was trying to figure out what the police were up to.

11 A. Mm, I don't know that he -- I can't -- I can't
12 personally say that's what -- how I feel, that it's what he
13 was doing. But yes, he would -- when it was going, they were
14 looking for him, he would come over. And if it wasn't on,
15 he'd reach over, turn it on, and listen to it.

16 Q. Okay.

17 A. I don't know what he was listening for, but, you
18 know, we can all assume.

19 Q. Okay. That's okay. We shouldn't do that. Okay.
20 Outside of what you've told us here today, do you
21 have any other information about Leah Freeman and her death?

22 A. No, not really.

23 Q. Okay. Has anyone -- I've been asking everybody
24 these questions, so I don't want you to feel left out, okay?

25 A. (Laughing.)

H. McMullen

1 Q. Has anybody told you that they were personally
2 responsible for Leah's death?

3 A. No.

4 Q. Has anybody told you that they saw, personally
5 saw what occurred to Leah Freeman?

6 A. No.

7 Q. Just out of the blue, I think I'll ask you this.
8 Do you know Kristen Steinhoff at all?

9 A. Yeah.

10 Q. How do you know Kristen?

11 A. Um, drugs. Um, she -- her name's been thrown
12 around out there with the whole entire case.

13 Q. Has she ever told you anything about the case?

14 A. I don't like Kristen at all. I (indiscernible)
15 speak with her.

16 Q. Okay.

17 A. Sorry.

18 Q. No, that's okay. That's fine.

19 Again, I don't think I have anything else to ask
20 her. Does the grand jury want to ask her anything?

21 Okay. I think that does it. You're free to go.

22 THE WITNESS: Okay, guys. Thank you.

23 GRAND JUROR: Thank you.

24 THE WITNESS: I hope I'm some kind of help.

25 **TESTIMONY OF HEATHER McMULLEN**

K. Cornwall

1 THE WITNESS: Yes, I did. Yes, I did.

2 GRAND JUROR: Did you then take off for Eugene?

3 THE WITNESS: Yes.

4 MR. FRASIER: Any other questions for
5 Mr. Elderkin?

6 Anything else you think we ought to know about,
7 sir?

8 THE WITNESS: I don't know.

9 MR. FRASIER: Okay.

10 THE WITNESS: I mean, the best way to find it is
11 to ask it.

12 MR. FRASIER: Okay. All right. Well, if there's
13 no further questions, sir, we're done and you're free to go.

14 **TESTIMONY OF KIMBERLY CORNWALL**

15 (Witness sworn.)

16 BY MR. FRASIER:

17 Q. This is the grand jury for Coos County, and we're
18 looking into the death of Leah Freeman. And it's obvious,
19 but we're recording everything. Okay?

20 A. Well, I hope so.

21 Q. All right. So, first of all, could you tell us
22 your name, please, and where you live.

23 A. Kimberly Cornwell. I live on Highway 42 in
24 Coquille.

25 Q. How long have you lived here in the Coquille

K. Cornwall

1 area?

2 A. So long I can't remember. Like 20 years.

3 Q. Are -- do you know or are you acquainted with an
4 individual named Nick McGuffin?

5 A. No, I'm not.

6 Q. And how about Leah Freeman?

7 A. No.

8 Q. How about Jason Stockwell?

9 A. Stockton?

10 Q. Stockton, yes.

11 A. Yes. He his the father of my youngest daughter.

12 Q. And how long did you know Jason?

13 A. Um, about two and a half years.

14 Q. And I think I saw you come in the courthouse
15 today, was that Mickey Crook that was with you today?

16 A. David Jenkins.

17 Q. David Jenkins, okay. Are you and David together
18 or is he just being supportive?

19 A. We've been together for nine years, yesterday.

20 Q. Do you know Kristen Steinhoff?

21 A. Unfortunately. (Laughter.)

22 Q. How do you know Kristen?

23 A. I met her through Jason.

24 Q. And how well would you say you know her?

25 A. Not really well.

K. Cornwall

1 Q. According to the information I have, there's some
2 information that Kristen actually stayed with you and Jason
3 for a period of time?

4 A. When she was dating Jason -- I can't think what
5 his last name is now. The other Jason.

6 Q. The other Jason.

7 And how long did she stay with you and your
8 Jason?

9 A. Um, I really don't know. They stayed off and on
10 for, I don't know, three or four months, at least.

11 Q. Did Kristen ever tell you that she was involved
12 in the death of Leah Freeman?

13 A. Yes.

14 Q. What did Kristen Steinhoff tell you?

15 A. A lot of it I don't remember. I know that she --
16 I remember that she said that she had a big part in it --

17 Q. Okay.

18 A. -- and I remember that she said at one point that
19 she ran her over. But other than that, I'm -- I know it was
20 like a really long conversation, but I can't remember a lot
21 of what she said.

22 Q. All right. According to the police report, you
23 were interviewed back in 2000, or -- a long time ago?

24 A. By a private investigator that I guess wasn't a
25 private investigator.

K. Cornwall

1 Q. And was that Jack Bentley?

2 A. I have no idea who he was.

3 Q. (Indiscernible.)

4 A. He tape-recorded the whole thing, and he was
5 supposed to take it to the police kind of anonymously because
6 I didn't want to get involved, you know, with -- I was
7 scared. So he was supposed to take it to them, and
8 apparently the guy turned out to not be an investigator,
9 which I just found out recently.

10 Q. Okay. (Pause.) Going through here real quick.

11 All right. Well, I'm trying to find out how we
12 found out about you.

13 A. According to Officer Webley, some -- somebody
14 that was at my house the night that -- that Kristen told us
15 all this stuff told them that they were at my house when she
16 said all this. So.

17 GRAND JUROR: Well, do you recall who was at your
18 house that night?

19 THE WITNESS: I -- I remember Kristen was there,
20 and both Jasons, and me. Other than that, I don't remember
21 anybody else being there that night. They told me that there
22 was somebody else, but.

23 MR. FRASIER: Okay. (Pause.)

24 GRAND JUROR: You said she said to you, in
25 person, that she was involved in some way?

K. Cornwall

1 THE WITNESS: Mm-hmm.

2 GRAND JUROR: In a big way?

3 THE WITNESS: I remember she told me that she ran
4 her over, and she started laughing and said that she -- she
5 wouldn't die, so she backed up and ran her over again.

6 And she -- her whole attitude kind of gave me the
7 impression that -- um, kind of like she was pulling my leg,
8 but at the same time kind of scared me. So -- and I don't
9 know any of these other people, so I didn't want anything to
10 do with it because I don't know what they're going to do to
11 me.

12 BY MR. FRASIER:

13 Q. Okay. I think where we found this out was from
14 Jason Stockton, and he's now deceased. Is that right?

15 A. Yes.

16 Q. He isn't with us anymore.

17 He was interviewed in the jail in 2001.

18 A. Mm-hmm.

19 Q. And according to the report I have here, he said
20 that he and you were living together. That Kristen Ramsey,
21 or Steinhoff, was living with you, and that she told both of
22 you that she, a person named Danny Hyatt, Leah Freeman, and
23 her boyfriend had been at a party at Officer Danny Lee's
24 house that night.

25 Does that ring any bells with you?

K. Cornwall

1 A. No.

2 Q. And that the Mexicans had ordered the murder of
3 Leah Freeman because her sister Denise owed too much money in
4 drugs?

5 A. The Mexicans sounds familiar, that she mentioned
6 that.

7 Q. Okay. And that Kristen had said they'd gone out
8 to Four Corners and then turned right towards Dora. Stockton
9 said Kristen told him and you that the incident occurred by
10 the substation?

11 A. I don't remember any of that.

12 Q. Okay.

13 But as far as you can recall is -- from what I
14 hear you here today saying, is that Kristen indicated she'd
15 ran over Leah Freeman, and then she -- she hadn't died, so
16 she backed up and backed over her again?

17 A. And ran her over again.

18 Q. Did she say who all was in the car with her when
19 this occurred?

20 A. I know -- I remember that there was at least one
21 other person in the car with her, but I don't remember if she
22 said who. She probably did, but I don't remember who. And
23 it seems it was a male.

24 Q. Do you know a Bill Sero?

25 A. No.

K. Cornwall

1 Q. Tom Stemmerman?

2 A. No.

3 Q. Do either of those names sound familiar to you?

4 A. Hmm-mm.

5 Q. Ricky Crook?

6 A. That name sounds familiar.

7 Q. Could it possibly have been that name that was
8 used by her?

9 A. Mm, no, I don't think so.

10 Q. Has anybody told you that they -- outside of
11 Kristen Steinhouse [sic], has anybody told you that they were
12 responsible for the death of Leah Freeman? Anybody else?

13 A. No.

14 Q. Has anybody told you, other than Kristen
15 Steinhoff, that they saw what happened to Leah Freeman that
16 night?

17 A. No.

18 MR. FRASIER: I don't think I have any other
19 questions to ask her. Does the grand jury want to ask her
20 anything?

21 GRAND JUROR: You're -- I'm a little confused.

22 Did Jay -- was it Jason was your -- the father of
23 your children?

24 THE WITNESS: Jason Stockton is the father of my
25 youngest daughter.

T. Mims

1 GRAND JUROR: And it was another Jas -- both
2 Jasons, you said, were there that night?

3 THE WITNESS: Yeah.

4 GRAND JUROR: And the other Jason's name is?

5 THE WITNESS: I'm still trying to think of what
6 his last name is. And I know it too. I --

7 GRAND JUROR: But did -- what kind of vehicles
8 did they have, or do you know?

9 THE WITNESS: Neither one of them drove.

10 GRAND JUROR: Drove?

11 Do you know Kristen -- what Kristen -- did she
12 have a car?

13 THE WITNESS: No. They got rides everywhere.
14 Usually by me.

15 GRAND JUROR: Did they ever borrow your car?

16 THE WITNESS: No.

17 GRAND JUROR: Thank you.

18 MR. FRASIER: Any other questions?

19 Okay. I think that will do it (indiscernible),
20 and you'll be free to go.

21 THE WITNESS: Okay.

22 **TESTIMONY OF TINA MIMS**

23 (Witness sworn.)

24 BY MR. FRASIER:

25 Q. Ma'am, this is the grand jury for Coos County,

Z. Elderkin

1 THE WITNESS: You bet.

2 **TESTIMONY OF ZACK ELDERKIN**

3 (Witness sworn.)

4 BY MR. FRASIER:

5 Q. Sir, this is the grand jury for Coos County, and
6 we're looking into the death of Leah Freeman. It's kind of
7 obvious, but I need to advise you we are recording the
8 proceedings. Okay?

9 First of all, could you tell us your name,
10 please, and where you live.

11 A. Zachary Elderkin, and I live in Rollins, Montana.

12 Q. And how long have you lived in Montana, sir?

13 A. This time, about a year and -- not even a year
14 and a half.

15 Q. Okay. Have you lived in Coos County in the past,
16 sir?

17 A. Yes.

18 Q. When, and how long?

19 A. I spent three years here when I was a teenager,
20 and then I spend probably about a year here, oh, in my
21 mid-twenties.

22 Q. Are you familiar with an individual named Nick
23 McGuffin?

24 A. I don't recall that name.

25 Q. Okay. Leah Freeman, did you ever meet her?

Z. Elderkin

1 A. I do not think I ever met her, but I cannot be
2 positive.

3 Q. Heather McMullen, have you -- do you know Heather
4 McMullen?

5 A. I know a Heather, but I don't know a last name --

6 Q. Okay.

7 A. -- McMullen.

8 Q. Okay. Ramsey, sometimes? Here in Coquille, had
9 a daughter named Kristen?

10 A. Yes, I know her. I just never knew her last
11 name.

12 Q. Okay. Never knew her last name. Okay.

13 Well, let's talk about that for a second, sir.

14 Did you know a girl named Kristen Steinhoff?

15 A. Is that her daughter?

16 Q. Yes.

17 A. Yes.

18 Q. So you didn't know the last name, you just knew
19 her by Kristen?

20 A. No, I just knew their first names.

21 Q. Kristen and Heather?

22 A. Right.

23 Q. Heather was the mother, Kristen was the daughter?

24 A. Right.

25 Q. And at the time, sir, were you the owner of a Kia

Z. Elderkin

1 automobile?

2 A. I was.

3 Q. And do you recall what the color was, of that
4 car?

5 A. It was kind of a purplish-blue.

6 Q. Now, what I want to talk with you about, sir, is
7 an incident that occurred in June of 2000, and were you in
8 Coos County at that time?

9 A. If that was relative to when this is, yes.

10 Q. Were you actually living here or did you come
11 down for a visit?

12 A. Um, I was living in two places. I was living at
13 my brother's house in between Coquille and Coos Bay, and I
14 had another place that I was living in, in Eugene.

15 Q. All right. And you had a daughter from another
16 relationship down here?

17 A. Yes, in Eugene.

18 Q. In Eugene, okay.

19 Did you -- your brother, his name was Joe
20 Clifton?

21 A. That's correct.

22 Q. The -- I -- we're going to be talking about with
23 relation to loaning your car. Do you recall loaning your car
24 to (indiscernible) Kristen?

25 A. Yes.

Z. Elderkin

1 Q. Could you tell us, sir, what happened that night
2 in terms of, you know, where did you meet Kristen, and what
3 happened with her borrowing your car, where did you go.
4 Could you just tell us what happened that night.

5 A. Okay. Well, I had -- that morning I had brought
6 my daughter over to meet Kristen's mother. I was dating
7 Kristen's mother Heather. And so I had spent some time over
8 there, a few hours, and Kristen was messing around in her
9 car. This was before I was getting ready to go, and she was
10 having some kind of car problems.

11 And she asked me to borrow my car. I'd been
12 around for a week or two, so, you know, knew her a little
13 bit. So I said it was okay as long as she had it back by a
14 certain time, and I believe the time was 3:00 a.m. in the
15 morning, because I had to go to work the next day in Eugene.

16 So she took me and my daughter back to my
17 brother's house, and on the way we stopped at a turnout right
18 by the highway and she got out and she talked to a young guy
19 who was pretty shook up. I didn't know what was wrong; I
20 asked her when she got back in. And she said that the guy
21 had been missing his girlfriend and couldn't find her.

22 I didn't know him or the girlfriend. And she was
23 probably talking to him for five minutes, and got in the car,
24 and then took me back to my brother's house and dropped me
25 and my daughter off. And I let her borrow the car.

Z. Elderkin

1 And then she -- she got back a couple of hours
2 later than she was supposed to with the car.

3 Q. So instead of being there at 3:00 in the morning,
4 she got there around 5:00 or so?

5 A. Yeah, the exact time is hearsay. It was a long
6 time ago. So I'm going to say 3:00 because that sounds
7 correct.

8 Q. Okay. But she definitely was late?

9 A. Yes, she was a couple hours late.

10 Q. And upset you that she was late?

11 A. Yes.

12 Q. Now, when you went out to your brother's house,
13 who all was in the car with you?

14 A. I recall just Kristen, my daughter, and myself.

15 Q. Do you know an individual named Bill Sero?

16 A. I don't recognize the name.

17 Q. And was there another male adult in the car with
18 you?

19 A. Mm, no. It was just the three of us.

20 Q. All right. And you get out to Joe Clifton's
21 place, and she drops you off. How long was she there?

22 A. Just long enough to drop me off, and then she
23 took the car.

24 Q. Did anybody get in the car with her, or was she
25 by herself? How did that work?

Z. Elderkin

1 A. I don't know. As far as I know, she just drove
2 away.

3 Q. Now, this place that she -- that you pulled over,
4 was there a business there, do you recall?

5 A. No. Now there's a Roto-Rooter there, that didn't
6 used to be there.

7 Q. And there was a different business there at that
8 time?

9 A. I don't think there was any business.

10 GRAND JUROR: You mean the one just as you're
11 leaving Coquille, before you get on the --

12 THE WITNESS: Yeah.

13 GRAND JUROR: -- on 42 South?

14 THE WITNESS: Yeah, I don't think there was a
15 building there at all.

16 GRAND JUROR: Maytag?

17 THE WITNESS: I could be wrong. It's been a long
18 time.

19 BY MR. FRASIER:

20 Q. When you stopped there and Kristen got out and
21 talked with this individual, was there any other cars there
22 that you --

23 A. Just his Jeep. He had a -- like Jeep Wagoneer.

24 Q. Jeep Wagoneer, okay.

25 Now, what I want to talk with you -- well, do you

Z. Elderkin

1 know a gal named Sarah Noah?

2 A. I don't recognize the name.

3 Q. And the reason I bring her up is we had her here
4 this morning, and she claims that she was out at Clifton's
5 house, and that this Bill Sero was in the car, and left in
6 the car with Kristen. And if I'm hearing you correctly,
7 there was nobody else in the car when you went out there, and
8 as far as you know, Kristen was the only person in the car
9 when you left?

10 A. Right. I don't recall if she left with anybody
11 or not. I don't recall if there was anybody else at my
12 brother's house at that time.

13 Q. The next thing I want to ask you about is about a
14 week after this incident -- well, first of all, let me back
15 up a second.

16 How many times did you let Kristen borrow your
17 car?

18 A. Just the once. Just the one time. Never again.
19 She didn't bring it back on time.

20 Q. And she hadn't borrowed it before?

21 A. No. No, that was -- just once.

22 Q. The one and only time. Okay.

23 About a week after you loaned her the car, did
24 she call you on the phone and tell you anything about the car
25 being involved in something?

Z. Elderkin

1 A. No. I actually was talking to her.

2 Q. Okay. Oh, so you actually saw her face-to-face?

3 A. Yeah.

4 Q. Okay. Tell us about that. Tell us what she
5 said, what she told you.

6 A. The only -- I don't know what the whole
7 conversation was about, but what I do remember is that she
8 had said that I should probably check my car for blonde hair
9 and maybe check the trunk, you know, in case there's blood or
10 something in it. She was talking about that maybe the car
11 had been used in the Leah Freeman thing. And by then I had
12 heard something about it.

13 And I did check the car, and found nothing. So
14 just because it was -- the statement kind of freaked me out a
15 little. So --

16 Q. And --

17 A. Well, I just chalked it up as too many rumors.

18 Q. Another -- this Sarah Noah claims that you told
19 her, like a month after this, that you'd taken the car and
20 had the car up in Eugene, and taken -- took it in, like to
21 get the oil changed or something. And while it was up in the
22 air, the mechanic found a blonde hair on the bottom of the
23 car and brought it to your attention.

24 A. No, but, you know, I had told quite a few people
25 a story about running over a deer, a long time ago, where the

Z. Elderkin

1 deer was dead in the road, and I straddled the deer with the
2 car, and actually had to -- drove over the deer. And when I
3 took the car in to have the oil changed the next week, and
4 the mechanic put it up there, the whole bottom of the car was
5 just covered in hair and blood, because I'd ran over that
6 deer. It just toughed it.

7 Q. So the business about blonde hair being
8 underneath your car or being found by the mechanic, you --

9 A. No. No. But that deer story did happen, and
10 it's possible maybe I told her that deer story.

11 Q. The car, you subsequent at some point in time
12 lost possession of the car?

13 A. Right. A friend of mine took it to the coast and
14 rear-ended somebody with it, and it stayed out on the coast
15 for a while because I couldn't drive it back. And a
16 repossession company finally came and got it and took it
17 away. And it sat out there for a month or so.

18 Q. In regards to this case -- well, let me ask.

19 When you got the car back from Kristen, did you
20 notice anything out of the ordinary with the car?

21 A. Nothing.

22 Q. Did it look like it had been cleaned out or
23 anything like that?

24 A. No.

25 Q. I think there was some witness someplace, and I

Z. Elderkin

1 don't have it here in front of me, that indicated that you
2 thought the car had been scrubbed clean before it had been
3 given to you, it's never been as clean, or something along
4 that line. Do you recall anything like that?

5 A. I do not recall anything like that. Maybe that
6 was true, maybe it's not. I don't know.

7 Q. When you got the car back, did you notice
8 anything like any new dents or anything like that in the car?

9 A. No. I'd have been mad. There was no damage to
10 the car.

11 Q. I think I don't have any other questions for
12 Mr. Elderkin. Well, let me ask you this: Has anybody told
13 you that they personally caused the death of Leah Freeman?

14 A. No.

15 Q. Has anybody told you that they were a witness to
16 what occurred to her, that they saw what happened to her?

17 A. No. I did have one person tell me they think
18 they knew who did it. This was probably at least two weeks
19 after that.

20 Q. And who was that?

21 A. I don't know.

22 Q. Okay.

23 A. I don't know the name of the person. It's not
24 somebody I knew very well.

25 Q. Do you know the name of the person that told you

Z. Elderkin

1 this?

2 A. No. I don't have any idea.

3 Q. All right.

4 A. I just remember somebody said something. But I
5 think that, you know, everybody was just talking about it
6 then.

7 Q. Do you have any reason to believe, sir, that your
8 car was involved in hitting Leah Freeman or hitting any
9 person on the night that you loaned it to Kristen --

10 A. I don't -- I don't think so, because I didn't see
11 any damage to the car. Nothing on the car, nothing in the
12 car. And I think I would -- you know, if it cracked it or
13 something, I think I would have noticed that.

14 And when she stopped and she talked to that guy,
15 she was already missing.

16 Q. Okay.

17 A. I mean, he'd been wondering about it. That's why
18 I thought that that whole statement that the car had been
19 used in it was a pile of hooey, because it was after the
20 fact.

21 GRAND JUROR: And you say he was driving a wag --
22 probably a Jeep Wagoneer or something?

23 THE WITNESS: Yeah, he was driving a Jeep
24 Wagoneer.

25 GRAND JUROR: Was he alone, or could you tell?

Z. Elderkin

1 THE WITNESS: It was just him. He was outside
2 the front, trying to call on his cell phone, pacing back and
3 forth. And I happen to like Jeeps.

4 GRAND JUROR: Could you tell what color it was?

5 THE WITNESS: Dark. It was just a darker one. I
6 mean, if it would have been bright orange, I would have
7 remembered that.

8 GRAND JUROR: So this would have been after
9 9:00 -- sometime after nine o'clock at night, or the evening?

10 BY MR. FRASIER:

11 Q. Yeah. When did you --

12 A. Yeah, it was later in the day.

13 GRAND JUROR: Or -- day or evening?

14 GRAND JUROR: When you -- when she took her to
15 your brother, it was what time?

16 THE WITNESS: Yeah. I don't know exactly.

17 GRAND JUROR: Light? Dark?

18 THE WITNESS: But it --

19 GRAND JUROR: Daytime? Nighttime?

20 THE WITNESS: It wasn't dark, dark. So, I mean,
21 maybe it could have been in the evening. But it wasn't in
22 the morning, it was later in the day. So I had spent some
23 time over at Heather's house.

24 GRAND JUROR: And you said this individual
25 looked -- did -- was upset. Did you hear a conversation or

Z. Elderkin

1 anything, or did you just -- she just got back in the car and
2 said he's upset because his --

3 THE WITNESS: Yeah, I asked -- asked what the
4 guy's problem was.

5 GRAND JUROR: And she said?

6 THE WITNESS: That he couldn't find his
7 girlfriend, she'd been missing.

8 GRAND JUROR: What kind of car was it that
9 Kristen was having problems with?

10 THE WITNESS: Uh, you know, I'm not sure,
11 whatever kind of car she had. It was a little foreign
12 two-door, I believe. But it might have been a -- I -- just a
13 little car. I've never been in it or went anywhere in it.

14 GRAND JUROR: What color was it?

15 THE WITNESS: I have no idea.

16 GRAND JUROR: Would it --

17 THE WITNESS: It was her car, though.

18 GRAND JUROR: And it would have been out at --
19 when she borrowed your car, her car would have been at that
20 location. Is that --

21 THE WITNESS: Yeah, her car was at her mother --

22 GRAND JUROR: At the house where you were at --

23 THE WITNESS: Yeah. Yeah.

24 GRAND JUROR: -- when she borrowed your car?

25 THE WITNESS: Yes, parked in the driveway.

Z. Elderkin

1 GRAND JUROR: Would -- do you know if she had --
2 had she been there when you got home -- I mean, when you were
3 there, she'd been there with you for some length of time
4 before she borrowed the car?

5 THE WITNESS: Yeah, she was piddling around in
6 her car with the music going. And I don't even know what was
7 wrong with the car.

8 GRAND JUROR: No, but I mean was --

9 GRAND JUROR: She'd been there for a while?

10 GRAND JUROR: She's been there --

11 THE WITNESS: Yeah.

12 GRAND JUROR: Do you think she had been there --
13 I guess, when did you arrive at the house?

14 THE WITNESS: Well --

15 GRAND JUROR: At her mother's house.

16 THE WITNESS: Sometime early afternoon, maybe.

17 GRAND JUROR: And she was there the whole time?

18 THE WITNESS: I can't say that.

19 GRAND JUROR: But she'd been in her car, the one
20 that didn't run --

21 THE WITNESS: Right.

22 GRAND JUROR: -- listening to music and stuff?

23 THE WITNESS: Yeah.

24 GRAND JUROR: And you did get it back before dawn
25 the next day?

K. Cornwall

1 THE WITNESS: Yes, I did. Yes, I did.

2 GRAND JUROR: Did you then take off for Eugene?

3 THE WITNESS: Yes.

4 MR. FRASIER: Any other questions for
5 Mr. Elderkin?

6 Anything else you think we ought to know about,
7 sir?

8 THE WITNESS: I don't know.

9 MR. FRASIER: Okay.

10 THE WITNESS: I mean, the best way to find it is
11 to ask it.

12 MR. FRASIER: Okay. All right. Well, if there's
13 no further questions, sir, we're done and you're free to go.

14 **TESTIMONY OF KIMBERLY CORNWALL**

15 (Witness sworn.)

16 BY MR. FRASIER:

17 Q. This is the grand jury for Coos County, and we're
18 looking into the death of Leah Freeman. And it's obvious,
19 but we're recording everything. Okay?

20 A. Well, I hope so.

21 Q. All right. So, first of all, could you tell us
22 your name, please, and where you live.

23 A. Kimberly Cornwell. I live on Highway 42 in
24 Coquille.

25 Q. How long have you lived here in the Coquille

Angela Haga

1 car --

2 A. I just said that. They hit her, and they threw
3 her in the trunk, and realized that she wasn't dead.

4 Q. Okay.

5 A. I said that when we started.

6 Q. If I can prove to you -- say to you we can prove
7 to you forensically she was not hit by a car, how does that
8 affect your opinion?

9 A. I still believe that.

10 MR. FRASIER: Any other questions?

11 Okay. You're free to go.

12 **TESTIMONY OF ANGELA HAGA**

13 (Witness sworn.)

14 BY MR. FRASIER:

15 Q. First of all, this is the grand jury for Coos
16 County, and we're looking into the death of Leah Freeman.

17 A. Okay.

18 Q. I need to advise you we are recording. It's kind
19 of obvious, but I have to tell you that affirmatively.

20 A. Okay.

21 Q. Okay. First of all, could you tell us your name
22 and where you live.

23 A. My name is Angela C. Haga, and I live in North
24 Bend, Oregon.

25 Q. And are you familiar with an individual named

Angela Haga

1 Bill Sero?

2 A. Yes.

3 Q. How did you know Mr. Sero?

4 A. I've known Bill Sero dating all the way back
5 probably to my junior high days, which would have been the
6 early '90s. I'm not -- maybe '92, '93.

7 And through mutual friends, school, and then
8 later I knew him because Erika Davidson and I -- who he has
9 children with, and were in a long relationship, we had been
10 long-term friends as well, dating all the way back to early
11 junior high days.

12 Q. And are you acquainted -- well, let me back up.

13 When Bill Sero and Erika Davidson were together,
14 did they occasionally baby-sit for you, and things like that?

15 A. Absolutely. We did a lot of trading back and
16 forth. At one point we actually lived about a block from
17 each other out in the Charleston area, when they had not been
18 living out in the Coquille-Myrtle Point area. And having
19 children the same age, you know, we always tried baby-sitting
20 back and forth. And there was a period of time where Erika
21 and Bill were both doing fairly well sober, when they had
22 first had their children, and it made it easier, obviously,
23 because me and my now ex-husband never had that crazy
24 lifestyle that they really did. So -- but there was a point
25 in time that we did trade baby-sitting, yes.

Angela Haga

1 Q. And were you ever acquainted with Nick McGuffin
2 at all?

3 A. No. I don't know who he is.

4 Q. How about Leah Freeman?

5 A. I don't even know who she is.

6 Q. All right.

7 Well, the reason I asked you here today is
8 there's some indication that the day that Leah Freeman
9 disappeared, which would have been June 28th, 2000, Erika and
10 Bill baby-sat for your -- you and your husband that night.

11 A. As well as my memory serves me, it's been so
12 long --

13 Q. Okay.

14 A. -- the night that this happened my ex-husband and
15 myself had -- I can't even remember what. We do have family
16 out here in Coquille. It could have been -- I don't even
17 remember why, but they had baby-sat for us. I don't remember
18 if we went back into Coquille. Baby-sat Elisa (phonetic) and
19 Bradley that night, which is our children. And about 11
20 o'clock that night we had come back out to Coquille to pick
21 up the children.

22 And at that night was -- from where my memory, I
23 mean, it's been so long, but that was the night that Leah
24 apparently came up -- disappeared. Disappeared.

25 And when I got back to Erica's, Bill was

Angela Haga

1 sleeping, and I never did see him. And I remember thinking
2 that's really odd. No, I don't have any proof at all that he
3 was there sleeping. So remembering back on the memories that
4 I have, I don't have a solid proof that that was the night,
5 but the memories, I remember having those thoughts, going,
6 that was the night that she came up missing.

7 I don't have proof that he was sleeping in bed.
8 You know, I didn't go in the room and peek under the blankets
9 to see if he was there.

10 Q. Okay. Was he there earlier in the evening?

11 A. Yes, he was. When the children were dropped off,
12 Erika and Bill were actually both there because they had
13 their two small children, which they had just -- Jason was
14 not even quite a year old at that point. Their four-year-old
15 and then my two- and four-year-old.

16 Q. Okay.

17 A. So it was -- required two adults to watch that
18 many children.

19 Q. And -- but Erika told you -- so I understand you
20 correctly, Erika said he's asleep, but you didn't see him?

21 A. Exactly.

22 Q. All right. Now, Mr. Sero is -- have you ever had
23 any conversations with him about Leah Freeman disappearing
24 or --

25 A. Not that my memory recalls, no. The only

Angela Haga

1 conversations I think I've ever really had about this young
2 gal Leah Freeman, um, was maybe the same gossip and hearsay
3 that the community has heard and the same, you know, party
4 chat that you hear, and so it's really hard to even know what
5 is gossip and what's even real information that -- that I've
6 heard. And I don't recall ever having a conversation with
7 Bill Sero about this.

8 Q. How about Erika Davidson; did she ever talk to
9 you about it?

10 A. Okay. Yeah. Well, not directly about this Leah
11 Freeman thing. There was -- and again, it was some time in
12 the amount of time that -- that Lee Valley Road was still
13 closed off to the public.

14 Q. Right.

15 A. I don't know how long that was for. In a
16 23-year-old's mind it seemed okay to, when a friend asked,
17 Hey, let's cruise down Lee Valley Road, it was almost more
18 like a, oh, it's a hey -- a looky-type thing. You know,
19 there was a crime committed, let's go down there.

20 As an adult, thinking about it now, seems kind of
21 weird, kind of creepy; kind of like, Really? That she had me
22 drive out there, and the road ended up being blocked so we
23 had to turn around and come back.

24 And the only things -- we never directly talked
25 about this, but we've talked about Bill Sero -- Lee Valley

Angela Haga

1 Road was a road that he liked to take her down when he was
2 all spun out of his mind on methamphetamines. He had been
3 known to pistol-whip Erika, hold her at gunpoint -- and this
4 is things she's told me. I didn't see it myself, but he has
5 a violent history and a violent past, being a very empowered
6 and controlling kind of person when he was extremely high on
7 drugs. And he would take her out there and make her drive,
8 you know, 60, 70 miles down the dirt road, and then slam her
9 car into reverse, and then hit her really hard.

10 And I heard numerous different stories of his --
11 his history of violence. And that's what my -- my biggest
12 concern always was in the links that I heard linked to this
13 young gal that lost her life.

14 Q. Okay. Do you have any other information about
15 this case at all?

16 A. No, I just would like to see it solved.

17 Q. I've been asking any -- everybody this, because
18 there has been so much rumor and stuff floating around. Has
19 anybody told you directly that they were responsible for the
20 death of Leah Freeman?

21 A. No.

22 Q. Has anybody --

23 A. No.

24 Q. Anybody told you that they actually saw Leah
25 Freeman being murdered or anything like that?

Angela Haga

1 A. No. I did hear one story, I don't know if this
2 really is it, but I heard that somebody said, and I could
3 tell you who said that, that their -- that they saw her
4 behind a freezer being tortured. I don't know if that's --
5 if there's any truth. Again, that was hearsay. Her name is
6 Tressa Mutskis -- Metskis (phonetic). She's actually a
7 local -- she lives in Eugene now, and she's from Myrtle
8 Point. She said she remembers a scary guy coming and -- like
9 at a party, and then they ended up being where she was being
10 held or something. And again, she was -- she's 26 now, so
11 she would have been a 16-year-old girl at that point, real
12 close the age of all of these children.

13 Q. Okay. That's the first I've heard about a
14 freezer.

15 A. Yeah. Yeah. And again, you know, I don't know.
16 Again, I'm sure you probably -- I don't know if it's just
17 crud information or if there's any truth to it or not.

18 Q. Okay. What I'll have you do when you step
19 outside, I think one of the police officers are out there,
20 and I'll ask you to tell them about this person so that they
21 can check into it.

22 A. And I believe they have. I -- I don't know yet,
23 though, but I'll -- yeah, I have talked to them just briefly
24 about it.

25 Q. Okay. I just want to make sure they know about

Angela Haga

1 it.

2 MR. FRASIER: All right. I don't think I have
3 anything else to ask her. Does the grand jury wish to ask
4 her any questions?

5 GRAND JUROR: The -- this story -- when you
6 relayed the story about, was it Bill Sero and Erika, used to
7 go to Lee Valley Road? Is that --

8 THE WITNESS: Yes. Yeah, that -- those are
9 the -- the drug and joyrides that I don't know if you call
10 them that, that he would take her on when he was having an
11 utter outrage of being violent and mean and controlling. And
12 he would just, you know, take her out to abuse her.

13 And I don't know the extent of the abuse --

14 GRAND JUROR: Did you ever actually see him abuse
15 her?

16 THE WITNESS: I -- lots of physical -- or, excuse
17 me, lots of verbal abuse. That's -- he always talked very
18 degrading when he talked. But as for physical abuse, no, I
19 think that was kept secret between the two of them. I saw
20 bruises, lots of bruises.

21 GRAND JUROR: And who was it that told you Bill
22 was asleep, you said, that night?

23 THE WITNESS: Erika.

24 GRAND JUROR: Okay. Thank you.

25 THE WITNESS: They had a little home right there

Angela Haga

1 on -- let's see, it was like a fruit name of the street.
2 Date Street or something like that, maybe, in Coquille. I
3 don't know. Right before the high school. I could show
4 where the apartment is, I just am not familiar with the
5 streets of Coquille.

6 GRAND JUROR: Did you remember what kind of
7 veh -- did Bill have a vehicle?

8 THE WITNESS: They had a -- a black Ford Taurus
9 at that -- I want to say that's the only vehicle that they
10 had. They kind of -- that was -- I think that it would have
11 been the black Ford Taurus. Probably like a '96 model or
12 something like that. And it still actually -- I think Sam
13 Clausen still drives it around down, her step-dad. It's a
14 painting car now.

15 GRAND JUROR: Did you know Tom Stemmick
16 (phonetic)?

17 THE WITNESS: Stemmerman?

18 GRAND JUROR: Stemmerman, I mean. Excuse me.

19 THE WITNESS: From high school and school, and
20 not -- no acquaintance other than just knowing each other
21 from both growing up here. And I knew him and Bill were
22 friends.

23 GRAND JUROR: Did he have a car, that you know
24 of?

25 THE WITNESS: The only car that I remember Tom

Jaime Thurman

1 having is like -- and I think it goes all the way back to
2 high school, would have been a lowrider pickup truck of some
3 sort. That's what I remember him driving, but I -- I don't
4 know him as an adult at all. I only knew him back from high
5 school.

6 And then obviously the community links that his
7 name has been brought up in this also.

8 GRAND JUROR: Do you remember the color?

9 THE WITNESS: Pardon me?

10 GRAND JUROR: That lowrider pickup, do you
11 remember the color?

12 THE WITNESS: I just remember he was one of those
13 guys that had like bass, and lowrider pickups were -- I don't
14 know. I honestly -- I don't even -- I don't know.

15 MR. FRASIER: Okay. Any other questions?
16 Everybody's looking at me like I think they're done.

17 All right. Anything else you want to tell us?

18 THE WITNESS: I think I'm good.

19 MR. FRASIER: Okay. All right. Thank you,
20 ma'am. You're free to go.

21 **TESTIMONY OF JAIME THURMAN**

22 (Witness sworn.)

23 BY MR. FRASIER:

24 Q. And could you tell you name, please, sir.

25 A. Jaime Thurman.

T. Mims

1 GRAND JUROR: And it was another Jas -- both
2 Jasons, you said, were there that night?

3 THE WITNESS: Yeah.

4 GRAND JUROR: And the other Jason's name is?

5 THE WITNESS: I'm still trying to think of what
6 his last name is. And I know it too. I --

7 GRAND JUROR: But did -- what kind of vehicles
8 did they have, or do you know?

9 THE WITNESS: Neither one of them drove.

10 GRAND JUROR: Drove?

11 Do you know Kristen -- what Kristen -- did she
12 have a car?

13 THE WITNESS: No. They got rides everywhere.
14 Usually by me.

15 GRAND JUROR: Did they ever borrow your car?

16 THE WITNESS: No.

17 GRAND JUROR: Thank you.

18 MR. FRASIER: Any other questions?

19 Okay. I think that will do it (indiscernible),
20 and you'll be free to go.

21 THE WITNESS: Okay.

22 **TESTIMONY OF TINA MIMS**

23 (Witness sworn.)

24 BY MR. FRASIER:

25 Q. Ma'am, this is the grand jury for Coos County,

T. Mims

1 and we're looking into the death of Leah Freeman. And it's
2 obvious, but so we're recording everything today. Okay?

3 First of all, could you tell us your name,
4 please.

5 A. Tina Marie Mims.

6 Q. And where do you reside, ma'am?

7 A. 61457 Old Wagon Road, Coos Bay, Oregon.

8 Q. And how long have you lived in Coos County?

9 A. Most of my life.

10 Q. Most of your life, okay.

11 A. 40 years, approximately.

12 Q. I want to -- well, first of all, are you familiar
13 with an individual named Nick McGuffin?

14 A. Yes, sir, I am.

15 Q. How do you know Nick?

16 A. I know him from basically one meeting --

17 Q. Okay.

18 A. -- approximately ten years ago.

19 Q. And where did you meet Nick at?

20 A. At Kristen Steinhoff's grandmother's house, up by
21 Tenth Street Market.

22 Q. I'll get into that. Is that the only time you
23 ever met him?

24 A. One other time, briefly, after that, I saw him.
25 I didn't really meet with him, but I saw him in a vehicle

T. Mims

1 with Mr. Crook.

2 Q. Ricky Crook?

3 A. Yes, sir.

4 Q. Did you ever meet Leah Freeman?

5 A. Yes, sir.

6 Q. How did you know Leah?

7 A. I knew her mother, Cory.

8 Q. Okay.

9 A. Just briefly. I knew her sister Denise also,
10 just from being kids around Coquille.

11 Q. Did -- were you aware at some point in time that
12 Nick and Leah might have been boyfriend/girlfriend?

13 A. I was aware of the -- the first night that I met
14 Nick, I was aware that that was her boyfriend. I had heard
15 before that she was dating a young man, Nick.

16 Q. Did you ever see the two together?

17 A. Never have I seen them together.

18 Q. I want to talk with you -- I guess you know
19 Kristen Steinhoff?

20 A. Yes, sir.

21 Q. And how do you know Kristen?

22 A. I know her whole family. I've known her since
23 she was little, a baby. Coquille, everybody knows everybody.

24 Q. And Kristen was living with her grandmother at
25 some point in time?

T. Mims

1 A. Yes, she was.

2 Q. Kristen's mother is Heather McMullen?

3 A. Yes, sir.

4 Q. Was she also living there at that time, with her
5 grandmother?

6 A. Um, she had been prior to that night. I'm not
7 sure if she was still living there at that -- at that time,
8 because she was in and out so much.

9 Q. And where was grandma living? Where was her
10 house or --

11 A. Approximately one block up from the old Tenth
12 Street Market. You turn left, and it was a white house there
13 on the right-hand side.

14 Q. So it's here in Coquille?

15 A. Yes, sir.

16 Q. Now, you indicated that about ten years ago you
17 were at the home of Kristen's grandmother. Was Kristen there
18 also?

19 A. Yes, sir.

20 Q. And you met for the first time Nick McGuffin that
21 night?

22 A. Yes, sir.

23 Q. Could you tell the grand jury, please, what
24 happened that night.

25 A. I was in Kristen's grandmother home --

T. Mims

1 grandmother's home, with Kristen and two gentlemen.

2 Everybody, of course, was partying. Two gentlemen walked in
3 the front door. One of them directed Kristen to go to the
4 rest room. The other one didn't engage in conversation, look
5 at anybody, or anything. They went into the rest room.

6 I was in the living room for a while. I had to
7 use the rest room, so I went back to use the rest room. I
8 heard a conversation going on in the rest room. The young
9 man in the rest room was threatening Ms. -- Kristen. Was
10 threatening her. I heard the words that, "You could end up
11 like Leah." Basically to keep her mouth shut. If everybody
12 just keeps their mouth shut, everything would be okay.

13 The older gentleman that was with the young man
14 also made a statement to the effect that she could end up
15 like Leah Freeman, and that you need -- she needed to keep
16 her mouth shut. And I -- I barged in and opened the door,
17 and was very confrontive [sic] with them, and wanted to know
18 exactly what the F was going on, were my exact words.

19 And the older gentleman didn't engage at all. He
20 basically got up and exited the room, and as far as I know he
21 left the house directly after that. I remained in the rest
22 room. Nick engaged a conversation with me. That's when he
23 confirmed that he was Leah Freeman's boyfriend, or had been
24 Leah Freeman's boyfriend, was Leah Freeman's boyfriend.

25 And I was asking him exactly what was going on in

T. Mims

1 the conversation in there, and basically I was being brushed
2 off. He was trying to -- what I would call build a
3 friendship, just converse [sic] with me back forth on other
4 things, like, you know, just some stupid silly little
5 questions that people ask when they're trying to get to know
6 you.

7 Nick Freeman -- or Nick eventually left the --
8 the rest room. I tried to discuss this with Kristen. She
9 got to a point to where she was just so stressed out and so
10 out of control that it was pointless to try to talk to her.
11 And of course, like I said, everybody was partying that
12 night. So she went back to her room, which was in the back
13 of the house, and I returned to the living room -- after I
14 used the rest room of course.

15 Q. Right. Well, let me ask you a few more questions
16 about the young man who identified himself as Nick, the
17 boyfriend of Leah.

18 A. Yes, sir.

19 Q. The time frame when this occurred, you were aware
20 that Leah was missing?

21 A. Yes, sir, I was.

22 Q. Had Leah's body been found at that point, do you
23 recall?

24 A. I don't believe so. No.

25 Q. So you think this was before Leah's body had been

T. Mims

1 found?

2 A. I believe so.

3 Q. Now, the other gentleman, or the other man that
4 was in there, could you describe him for us a little bit.

5 A. He was an older gentleman. Basic height, I want
6 to say maybe 5,10, 5,11. I didn't -- I -- he only stood up
7 for a second to walk out.

8 Kind of gruffy [sic] looking.

9 Q. All right. Were you -- when you were interviewed
10 the police here recently, were you shown a series of
11 photographs of individuals?

12 A. Yes, sir, I was.

13 Q. And did you point out one of those pictures?

14 A. Yes, sir, I did.

15 Q. Do you recall the name of that person? Did the
16 police ever tell you who that was?

17 A. I don't recall the name. I recall that the
18 gentleman that was in the rest room that night was referred
19 to as Nick's dad that day. I can't remember the name, I'm
20 sorry.

21 Q. And it was referred to -- who told you that it
22 was Nick's dad?

23 A. After I was told the name, I was told that that
24 was Nick's father by the officers that were interviewing me.

25 Q. All right. So you were told that after the

T. Mims

1 pictures were shown to you?

2 A. Yes, sir.

3 Q. Now, later that evening -- now, Kristen, after
4 what happened in the bathroom, goes to her bedroom. Is that
5 right?

6 A. Yes, sir.

7 Q. Go ahead.

8 A. I -- also while I was at the bathroom door, I --
9 I recall hearing a statement that the gentleman -- the older
10 gentleman had stated that he had rinsed the truck or hosed
11 the truck or the trunk out. Truck or trunk or something like
12 that, rinsed or hosed it out. So I wanted to -- I just
13 remember that. I wanted to make sure I got that.

14 GRAND JUROR: Okay. It was the older gentleman
15 in the bathroom?

16 THE WITNESS: It was the older gentleman that had
17 stated that, yes, sir.

18 GRAND JUROR: And in the bathroom
19 (indiscernible)?

20 THE WITNESS: Yes.

21 GRAND JUROR: So they both went in the bathroom?

22 THE WITNESS: They were both in the bathroom,
23 yes, sir.

24 GRAND JUROR: Nick and the older guy?

25 THE WITNESS: And the older gentleman.

T. Mims

1 And the older gentleman didn't engage in -- and
2 the reason that is really strange to me is because when
3 you're in a situation where people are using methamphetamine,
4 and other people walk into a house, they are usually people
5 that use also. They're -- they always engage. Maybe
6 something stupid fall out of their mouth, maybe just that
7 they're so high that they're talking to everybody, but
8 there's always some type of interaction. This gentleman did
9 not interact at all. He did not make any eye con. I mean,
10 it was a very shrewd entrance, straight to the rest room. It
11 was very uncomfortable feeling.

12 GRAND JUROR: So he didn't stay on the couch?
13 Because you had said he sat on the couch, I thought.

14 THE WITNESS: No, he -- he went into the --
15 directly into the -- the rest room. I was sitting on the
16 couch when they came in, so.

17 BY MR. FRASIER:

18 Q. All right. Now I guess maybe we better talk
19 about this a little bit. You said everybody was partying.
20 Did that include you?

21 A. That includes me.

22 Q. And what was everybody partying on, including
23 you?

24 A. Methamphetamine.

25 Q. Later in the evening, did you hear something

T. Mims

1 going on in Kristen's bedroom?

2 A. I heard some ruckus back in Kristen's room, some
3 thumping going on. So I went back to check her.

4 Q. What happened when you went back to check on her?

5 A. Ricky Crook was coming through her bedroom
6 window, and they were having a disagreement.

7 Q. And what was going on? What was being said?

8 A. Ricky was threatening Kristen, telling her that
9 she needed to be quiet and she basically -- if everybody just
10 kept their mouth shut, and that she needed to quit talking to
11 people. I don't know if he was asking her to go with him at
12 that -- at that time, or what. I didn't get all the
13 conversation, but it was -- there was a disagreement going
14 back and forth.

15 Q. Does he actually get in the room through the
16 window?

17 A. He came in the room, yes, sir.

18 Q. So if I understand you correctly, she's
19 telling -- he's telling her to keep her mouth shut, things
20 along that line?

21 A. Mm-hmm.

22 Q. And did you get angry at him, tell him to shut
23 up, and things like that?

24 A. Yes. I've known Ricky Crook his whole life.
25 Yes.

T. Mims

1 Q. Okay. And what does Mr. Crook do to Kristen
2 before he leaves the room?

3 A. (Pause.) It's been so long, and -- I know he
4 threatened her. He did grab her at one point and threaten
5 her. I can't recall exactly what he did when he left the
6 room. I'm sorry. I'm nervous right now.

7 Q. That's fine.

8 In the police report, when they interviewed you
9 here a couple or three weeks ago, there was something about
10 he poked her in the chest with his finger?

11 A. Yes, he grabbed her like this, and poked her in
12 the chest.

13 Q. And did he say anything when he poked her in the
14 chest?

15 A. This -- the only thing that stands out in my head
16 is that -- the thing that really stands out that they were
17 saying was that she could end up like Leah.

18 Q. Okay.

19 A. And I'm really nervous even being here. I don't
20 come back to Coquille, you guys, because I live a different
21 life now, so it makes me nervous to even be in this town.

22 Q. So you've gotten away from the meth scene and all
23 of that?

24 A. Oh, I was never actually really part of the meth
25 scene. My drug of choice was alcohol. I just happened at

T. Mims

1 that time to be dabble-dabbling a little bit. So.

2 Q. But you've straightened up your life
3 (indiscernible)?

4 A. Oh, yes. I'm in -- I'm in college now and, yeah,
5 my life is a completely different life.

6 Q. Good for you. Good for you.

7 A couple days later, did you talk with Stein --
8 Kristen about what had occurred?

9 A. Two diff -- a couple days later, I -- I returned
10 to Kristen's grandmother's house. I confronted Kristen in
11 front of her grandmother. My grandmother Marsha (phonetic)
12 Lehman was with me, and she's no longer alive. I -- I told
13 Kristen that she needed to go to the police. She needed to
14 tell them what she knew, whether she was involved or not.

15 Kristen relayed to me that she was basically
16 involved -- we had a discussion about the incident, and she
17 relayed to me her part in it. And I -- that's --

18 Q. (Indiscernible) what she's doing?

19 A. That she was driving the vehicle and Nick grabbed
20 the steering wheel and the vehicle hit Leah Freeman down by
21 the high -- between the high school and the Fairview turnoff,
22 there on that straight stretch.

23 Q. Okay. And did she say anything about a shoe or
24 anything like that?

25 A. Yeah, she said that's how Leah's shoe was -- why

T. Mims

1 it was there on the side of the road.

2 Q. So she's driving, Nick reaches over, grabs the
3 wheel, gets her, and -- or jerks the wheel, resulting in Leah
4 being hit?

5 A. Yes, sir.

6 Q. Now, did you help her to try to contact the
7 police?

8 A. Yes, sir. I set up a meeting with my neighbor,
9 Officer Danny Lee.

10 Q. And for some reason when she talked to Officer
11 Lee, she didn't tell the whole story like you've told us here
12 today. Were you aware of that?

13 A. I was aware of that after the fact. I didn't
14 find out until here recently when I spoke with the officers
15 in Coos Bay.

16 Q. Have you talked to Kristen in the last couple of
17 weeks, couple of months?

18 A. I spoke with Kristen on the phone the day of my
19 interview with the Coos Bay Police Department, and one day
20 since.

21 Q. And what, if anything, has she had to tell you
22 about this?

23 A. Her -- she's -- she's a liar.

24 Q. Okay. She's not telling you anything?

25 A. She's not -- she's not telling the truth. She's,

T. Mims

1 um -- I don't know what her reasoning is now. She's actually
2 changed her phone number since our phone call. We were
3 supposed to actually meet to get her children together with
4 my grandchild, and she disconnected her phone.

5 Q. Okay. Is there anything else about this that you
6 feel the grand jury should know about?

7 A. Nick and Ricky Crook showed up at Kristen's house
8 after this incident, and were asking her for them -- for her
9 to go for a ride with them in her -- in the car. I begged
10 Kristen not to go because I had a really bad feeling. She
11 went with them anyway. When she returned, she told me that
12 they had taken her out to the old scout cabin, the gravel
13 pit, which would be down Lee Valley Road, that first gravel
14 pit on the left-hand side. There used to be an old scout
15 cabin across from it, up on the woods up there. So that's
16 what we use -- everybody used to refer to it as. Years ago
17 when I was in high school, people threw keggers up there,
18 da-da-da-da-da.

19 And -- and when she got back she told me that's
20 where they took her. She told me that Ricky Crook sat in the
21 back seat. He was -- they parked there. They were totally
22 silent. That he had a pistol laying next to -- was it a
23 pistol or a knife? I think it was a pistol, she said, laying
24 next to him in the seat. Never said anything. They sat
25 there for a while, then they returned her to town.

T. Mims

1 When I spoke with her after that, my first
2 speaking with her after these ten years, she said that they
3 took her right on the edge of town by Sclaris' there, which
4 at one time there was a little turnoff there, which is
5 completely opposite of what was told to me ten years ago.
6 So, but I did -- she did go to Danny -- Officer Danny Lee. I
7 set up a meeting and my grandmother took her, drove her to it
8 personally, so that's all I can think of.

9 Q. Has anybody -- outside of what Kristen has told
10 you, has anybody else told you anything about the Leah
11 Freeman case? For example, has somebody told you, I killed
12 Leah Freeman?

13 A. (Pause, sighs.) Mm, not those exact words.

14 Q. Okay. But what were the words that were told
15 you?

16 A. I don't know. I can't remember the exact words.

17 Q. Who was this individual?

18 A. I know -- I know that Ricky Crook, Nick, and
19 Kristen were all involved in Leah's murder. I know that for
20 a fact. There's no doubt in my mind. Ricky's father even
21 confronted me after I've confronted Ricky Crook that night in
22 Kristen's room.

23 Q. Okay. And what did Ricky Crook's dad do?

24 A. He went ballistic on me. He said I've known
25 Ricky his whole life and that I should know that he's not

T. Mims

1 capable of something like that.

2 And I'm telling you that I know that Ricky Crook
3 is capable of something like this.

4 Q. Okay.

5 A. If -- I mean, he is. He's been -- he's had
6 behavioral issues for years, and I'm not talking just due to
7 drug addiction or due to being provoked or anything. He has
8 had severe, severe anger issues since he was a small, small
9 child.

10 I know nothing of Nick, except for that night.

11 Q. Okay. So outside of what you've told us here,
12 and outside of these three individuals -- Kristen, Nick
13 McGuffin, and Ricky Crook -- has anybody outside of that
14 group of three told you that they might have been involved in
15 the death of Leah Freeman?

16 A. No.

17 Q. And anybody outside of that group of three,
18 anybody told you that they were there and witnessed what
19 occurred?

20 A. No.

21 MR. FRASIER: Grand jury want to ask her
22 questions?

23 THE WITNESS: And I was told that the kids had
24 all been at a party in Fairview earlier that night, if that
25 makes any reference. That was a thing that was brought up to

T. Mims

1 me from Kristen too, that they had all been at Fairview.

2 GRAND JUROR: Do you know what kind of cars they
3 came in when they came to the house?

4 THE WITNESS: They were in Nick's car when they
5 came to the house, and I don't recall. I remember it was
6 dark -- I think it was a dark-color car. It was nighttime,
7 and it's been ten years ago, and I only saw it the one time,
8 so.

9 GRAND JUROR: Do you know what Ricky Crook drove,
10 at the time?

11 THE WITNESS: I don't think he drove back then.
12 I don't believe so. They've never really been a family of
13 means, and he's never really been a kid to work.

14 GRAND JUROR: What about when he came with his
15 father?

16 THE WITNESS: He -- his -- it was Rick himself
17 that confronted me, days after this. And he --
18 BY MR. FRASIER:

19 Q. And -- so we're clear, Ricky Crook, his dad's
20 name is Rick.

21 Go ahead.

22 A. Yeah. There's two. We have Ricky and Rick. So
23 Ricky's the junior, Rick's the adult.

24 Q. Okay.

25 A. The confrontation I had with Ricky Crook was the

T. Mims

1 night in her room.

2 And of course when they were at the car and I was
3 telling her not to go, there was -- you know.

4 But his father confronted me days after that, and
5 was asking me how I could accuse Ricky Crook of doing it.
6 And it was pretty simple, because Kristen Steinhoff told me
7 that Rick and Nick were there. It came right out of her
8 mouth, and I believe her. She was hysterically crying. I
9 believe back then, if things would have been handled
10 different, maybe the truth could have come out back then, but
11 in my opinion, I don't understand what's taken so long.
12 That's --

13 GRAND JUROR: This party at Kristen's
14 grandmother's when you overheard the conversation, that was
15 after Leah had disappeared?

16 THE WITNESS: Yes, sir. And I believe it was
17 before her body was found. And there is a way that we can
18 actually figure that out, because I was on formal probation
19 at that time. And I had just returned to my grandmother's
20 house because I had done four months in jail on a violation
21 for alcohol use. I had a problem with alcohol.

22 BY MR. FRASIER:

23 Q. That's gold. That will help us figure that out.
24 We'll work on that. Okay.

25 A. Yeah. So it's pretty -- it's pretty easy to

T. Mims

1 track my life back then.

2 Q. Okay.

3 A. But, you know, I can -- I must have been the only
4 guilty person in jail, that's all I have to say, (laughter)
5 because probation saved my life. It took me a while to wake
6 up, but I -- I don't think if I wouldn't have been on it, I
7 would be alive today, so.

8 GRAND JUROR: When she said -- and she described,
9 she said Nick took the wheel, and then ac -- I think you said
10 accidentally hit Leah --

11 THE WITNESS: Mm-hmm. She did say accidentally.
12 She didn't say like he was like, I'm -- I'm going to hit her.
13 He just did it.

14 MR. FRASIER: Right.

15 GRAND JUROR: Now, and you said that was up
16 between -- she said, to you, the location was, again?

17 THE WITNESS: Between the high school and the
18 Fairview turnoff.

19 GRAND JUROR: Whose car was she driving at that
20 time?

21 THE WITNESS: You know, I've never gotten that
22 out of her. I even tried in a conversation where we recorded
23 the other -- a couple of weeks back when I was at the police
24 station. And she said back then that she was -- when I had
25 that conversation with her on the phone, she said she was

C. Young

1 driving a friend Zack's car at that time. But I don't --
2 it's never -- I -- yeah. I've never actually gotten that
3 detail. I never got any details of what they did after the
4 fact of -- you know, I was pretty much in Kristen's face,
5 telling her that, You need to go to the police. You need --
6 you know.

7 MR. FRASIER: Any other questions? I think we're
8 done.

9 THE WITNESS: Okay.

10 MR. FRASIER: Thank you. And you're free to go.

11 GRAND JUROR: Thank you.

12 **TESTIMONY OF CHRISTY DIANE YOUNG (CAGLEY)**

13 (Witness sworn.)

14 BY MR. FRASIER:

15 Q. Okay. First of all, ma'am, this is the grand
16 jury for Coos County, and we're looking into the death of
17 Leah Freeman. It's obvious, but I have to tell you I turned
18 the recorders on, so we are recording what's going on. Okay?

19 A. Okay. All right.

20 Q. First of all, could you tell us your name,
21 please, and where you live.

22 A. My name is Christy Diane Young, Y-O-U-N-G. I'm
23 formerly Cagley, C-A-G-L-E-Y. I live in Bandon, Oregon.

24 Q. How long have you lived over there in Bandon?

25 A. I've lived in Bandon a year.

Brandon Mayfield

1 But I did visit when they did live in Charleston too.

2 That's -- I very first met them when they lived in

3 Charleston.

4 MR. FRASIER: Any other questions?

5 Okay. That will do it.

6 THE WITNESS: All right. Thank you.

7 MR. FRASIER: You're free to go.

8 THE WITNESS: Thanks.

9 **TESTIMONY OF BRANDON MAYFIELD**

10 (Witness sworn.)

11 BY MR. FRASIER:

12 Q. Okay, sir. First of all, this is the grand jury
13 for Coos County, and we're looking into the death of Leah
14 Freeman.

15 A. Correct.

16 Q. First of all I've got to tell you, you probably
17 saw me do it, but we're recording the proceedings.

18 A. Okay.

19 Q. All right?

20 A. Fine.

21 Q. So first of all, could you tell us your name,
22 please, sir, and where you live.

23 A. Brandon Mayfield, and I live in Coquille, Oregon.

24 Q. How long have you lived in Coquille, sir?

25 A. About 15 years.

Brandon Mayfield

1 Q. Did you go to school here?

2 A. No, I did not.

3 Q. Did not, okay.

4 Do you know an individual named Nick McGuffin?

5 A. Yes.

6 Q. And how did you know Mr. McGuffin?

7 A. Through my brothers going through school and all
8 that. I mainly knew his older brother Wayne.

9 Q. Did you know Leah Freeman at all?

10 A. Never. Never met her. The first time I ever
11 seen her was when she was on TV missing there for a while.

12 Q. Do you know an individual named Bill Sero?

13 A. Yes, I do.

14 Q. And how do you know Mr. Sero?

15 A. Associate. My wife kind of knew his -- his wife.
16 I don't know, his wife back in the day. And we kind of hung
17 out till he kind of got a little deep and dark. (Laughs.)

18 Q. Okay. When you say deep and dark, what do you
19 mean?

20 A. Um, drugs. Um, you know.

21 Q. Okay.

22 A. Drugs. The meth and all that stuff, and the --
23 and just the --

24 Q. He got into a lot of --

25 A. -- wild style of things, you know. It was --

Brandon Mayfield

1 Q. And you didn't want to be associated with it?

2 A. No, I kind -- I cared about my kid, back in the
3 day. I didn't -- I kind of grew up a little bit, you know.
4 It's --

5 Q. Okay. Well, the reason I brought you in here
6 today, sir, is we have information that Bill Sero, at least
7 some witnesses told us that you might know something about
8 Bill Sero being involved in the death of Leah Freeman. And I
9 guess the question is, is did Mr. Sero at any time ever
10 confess to you that he was involved in it?

11 A. No, he didn't.

12 Q. We've heard that -- you've been quoted as saying
13 that Sero and a guy named Tom Stemmerman were driving through
14 Coquille the night she disappeared, and she got hit with a
15 car. They took her to Stemmerman's house and they raped her,
16 they killed her, they pulled her teeth.

17 Is that something you're familiar with?

18 A. That's -- that's the story that I heard.

19 Q. And -- well, why don't you just tell us --

20 A. Okay. That's the rumor I heard --

21 Q. Well --

22 A. Never from Bill.

23 Q. Okay.

24 A. Okay. You want me to tell you the story I heard?

25 Q. Yeah, tell us the story you heard.

Brandon Mayfield

1 A. Okay. I heard that it was Bill Sero, Tom
2 Stemmerman, Alicia Michaud, driving. They hit her, by
3 accident, I heard. She was messed up. They took her and
4 they put her in the car. They took her to -- I want to
5 say -- Stemmerman's house? Yeah. They took her down there,
6 and she wasn't quite dead yet. And I heard they pulled --
7 they cut her fingers off, pulled her teeth out, pretty much
8 mutilated her.

9 I never really -- I never head of a rape or
10 anything like that. And that was it. I never -- I never
11 heard the part of how the -- like if they dumped her body or
12 anything like that. It was the rumors that were going
13 around, that I heard.

14 Q. All right.

15 A. And that's pretty much the only story -- I never
16 heard no stories about Nick. I never heard no other stories
17 about anything else.

18 Q. Okay. Do you recall how you learned about this?

19 A. No.

20 Q. Okay.

21 A. I am 100 percent sure Bill never confessed to me
22 nothing like that. Once this kind of started to go on, I was
23 kind of -- my ties were done with him. I might have seen him
24 here and there, like Hey, or whatever, but I never had a
25 conversation with him about this.

Brandon Mayfield

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1 Um, I want to say Josh McNair (phonetic) maybe
2 ran the story by me, years ago. Um, I don't know. I can't
3 help who I -- who I knew.

4 Q. Okay.

5 A. And that's the --

6 Q. Yeah, that's fine.

7 A. If I could help you guys, I would -- if I knew
8 anything, I would totally tell you guys, you know. I wish I
9 was more of a witness, because it's something that's --

10 Q. Well, I guess -- and just so we're clear, Sero
11 didn't tell you that he was involved?

12 A. No, he did not.

13 Q. And do you know this Tom Stemmerman?

14 A. I do not. I do not.

15 Q. You never talked to him at all?

16 A. May have been around him before, never at my
17 house, or I never had his phone number or nothing like that,
18 or -- yeah.

19 Q. All right. And so we're clear, nobody's ever
20 told you that, hey, I killed Leah Freeman?

21 A. Never. No.

22 Q. And has anybody told you, I was there and I saw
23 what happened?

24 A. No. No.

25 Q. And basically what --

Brandon Mayfield

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1 A. Per se.

2 Q. What you've heard is what promote -- what
3 somebody else told you?

4 A. Exactly.

5 Q. All right.

6 A. Exactly.

7 Q. Is there anything else about this case that you
8 think we ought to know about that you have information about?

9 A. No. I just -- I wish I did. It's -- this story,
10 I hear it over and over. I've -- I've been a -- I've lived
11 in L.A. for 20 years, I've seen a lot of bad people. And I
12 think that story's 99.9 percent true. How I heard it, how it
13 went, the type of people they were, dealing with everybody in
14 here, and I hope they don't think this is ratting or
15 snitching, because it's not. This is a girl's life, and this
16 is something that -- I despise it, to say the least. You
17 know.

18 Q. Okay.

19 A. If I knew anything else, I would totally tell you
20 guys.

21 Q. Okay.

22 A. Yeah.

23 MR. FRASIER: Does the grand jury have any
24 questions?

25 GRAND JUROR: Do you know of any automobiles that

Brandon Mayfield

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1 they had?

2 THE WITNESS: I heard that it was a Volkswagen
3 bus. Some sort -- something like that.

4 GRAND JUROR: You're talking about --

5 THE WITNESS: The vehicle that hit her.

6 GRAND JUROR: -- the vehicle that -- oh.

7 THE WITNESS: Yeah. It's kind of, you know, the
8 story I heard, it's in my head. And that's -- that's the
9 only thing I remember of -- about Leah Freeman, is this story
10 I heard. You know, it's something that when somebody
11 tells -- you hear something like that, it's going to be in
12 your head forever.

13 GRAND JUROR: Did -- how would you describe Bill
14 Seros [sic]?

15 THE WITNESS: Cocky. Wild. Very easily
16 influenced.

17 GRAND JUROR: Did he drive at the time, do you
18 know?

19 THE WITNESS: Um, I'd say yes. Not - not sure.
20 I don't even know if he had a driver's license or --

21 GRAND JUROR: Where did he live when you knew
22 him?

23 THE WITNESS: He lived with Erika, and they lived
24 over -- Charleston, in between like Coos Bay and Charleston
25 there, is where they lived then.

Sarah Noah

1 And I think, yeah, they were still together then.
2 See, I don't know for sure about that.

3 MR. FRASIER: Any other questions?

4 GRAND JUROR: Anything in there for us?

5 THE WITNESS: What's that?

6 GRAND JUROR: Anything in your briefcase for us?

7 THE WITNESS: No. No. I was -- I'm a
8 contractor. I was doing some bids out there. I didn't know
9 how long this was going to take. (Laughter.)

10 GRAND JUROR: I thought maybe you --

11 THE WITNESS: I wish. I wish I had, you know?

12 GRAND JUROR: All right.

13 THE WITNESS: I wish I had a crystal ball and I
14 knew everything, you know. This -- like I said, this is
15 serious, and it's -- anxious to see the outcome.

16 GRAND JUROR: Okay.

17 MR. FRASIER: All right. Anything else?

18 Okay, sir. You're free to go.

19 THE WITNESS: Thank you guys.

20 GRAND JUROR: Thank you.

21 THE WITNESS: Good luck.

22 **TESTIMONY OF SARAH NOAH**

23 (Witness sworn.)

24 BY MR. FRASIER:

25 Q. Okay. First of all, this is the grand jury for

Wayne McGuffin

COQUILLE, OREGON; FRIDAY, JULY 30, 2010

-o0o-

TESTIMONY OF WAYNE MCGUFFIN

(Witness sworn.)

BY MR. FRASIER:

Q. Okay. First of all, sir, this is the grand jury for Coos County, and we're looking into the death of Leah Freeman. Though it's obvious, and we have -- it's being recorded now --

A. Yeah.

Q. -- two different ways, video and audio.

So first of all, could you tell us your name, please, and where do you live, sir.

A. Wayne Noel McGuffin. I live in Hilo, Hawaii.

Q. And do you have an exact address there, sir?

A. Um, yeah. 16465 Laniuma Street, Orchidland, Hawaii.

Q. Okay.

A. Which is south of Hilo, ten miles or so.

Q. Okay. How long have you lived in Hawaii?

A. A little over three years.

Q. You are the brother of Nick McGuffin; is that correct?

A. I am.

Q. And you're the older brother; is that right?

Wayne McGuffin

1 A. Correct.

2 Q. And going back to the year 2000, you were living
3 here in Coos County?

4 A. I was.

5 Q. Still living at home at that time?

6 A. Um, I was back and forth. I was living with my
7 aunt and then living with my parents, friends. Kind of just
8 jumping around from place to place, working and stuff. So.

9 Q. Did you know Leah Freeman at all?

10 A. Vaguely, yeah, a little bit.

11 Q. How did you know of her, or --

12 A. Just as my brother's girlfriend, and didn't
13 really talk to her that much, but knew her a little bit,
14 yeah.

15 Q. All right. How well did your brother and Leah
16 get along, from what you could see?

17 A. I thought they got along great.

18 Q. No issues at all, as far as you were concerned?

19 A. Not that I could see, no.

20 Q. Now, the night that Leah disappeared, and the
21 subsequent days thereafter, you were at your aunt's house?

22 A. I was, yeah.

23 Q. And you stayed there --

24 A. I was -- I was there for about two weeks. My
25 cousin had got a landscaping job, and I was working with him

Wayne McGuffin

1 doing that.

2 Q. When did you first see Nick after Leah
3 disappeared?

4 A. Must have been probably four or five days.

5 Q. How was he behaving or reacting?

6 A. He was not himself. He was upset, didn't know
7 where his girlfriend was. Just not himself.

8 Q. Appeared to be upset?

9 A. Yeah, definitely upset.

10 Q. Had he been crying and stuff?

11 A. Oh, yeah, he was crying all the time.

12 Q. I have some particular questions I want to ask
13 you about.

14 Do you know a Ricky and Nicole Demain?

15 A. Name sounds familiar. Ricky Demain.

16 Q. Nicky Demain, Ricky Demain, they -- they tell the
17 police that you lived with them for a couple of months here
18 in Coquille.

19 A. Oh, okay, yeah. Nicky Decker. I didn't -- yeah.
20 They got married. Okay, yeah. Yeah.

21 Q. Yeah.

22 A. They lived up at -- yeah. Okay. Yeah.

23 Q. And --

24 A. Yeah, I lived with them up at the Hillside
25 Terrace for probably a couple of months.

Wayne McGuffin

1 Q. Well, Nicky Decker, Nicky Demain, whatever her
2 name is, has indicated to us that you told them some things
3 about the disappearance of Leah Freeman while you were living
4 there?

5 A. Yeah?

6 Q. And do you recall what you told them?

7 A. Yeah. I told them that Bill and -- Bill Sero and
8 Tom Stemmerman were supposedly driving a car, frying on acid,
9 swerved to joke around, hit her, threw her in the trunk,
10 realized later that she was still alive, and proceeded to do
11 whatever.

12 Q. And how did you find that out?

13 A. Just from people talking.

14 Q. Okay. Well, here's what I want to ask you about,
15 is because they indicate, or at least Nicky does, that there
16 was a time that you were -- had been drinking. And they've
17 indicated to the police that you, while you were intoxicated,
18 stated you wanted to talk to -- about Nick, but you couldn't
19 talk about it because it was family, but you indicated that
20 you were 95 percent certain that Nick had been involved in
21 Leah's death.

22 A. No way. She's full of shit.

23 Q. But why would she want to go (indiscernible)?

24 A. She's full of crap. There is no way.

25 Q. Okay. That she further stated that you had

Wayne McGuffin

1 overheard your father Bruce and Nick talking in the kitchen,
2 and Bruce had been covering for that.

3 A. Mm-hmm.

4 Q. Nicole said that Wayne told her, I don't know how
5 he did it.

6 A. No, never said that. She's full of it.

7 Q. She said that Wayne told her that there was a
8 time when he was at the family home and Nick came in with
9 blood on him and a bloody shirt. Nick said Wayne [sic] went
10 out with his father, saying, We've got to get this cleaned
11 up.

12 A. No. (Laughs.) Nope, never happened.

13 Q. Nicole said Wayne told her his dad and Nick were
14 in a panic. And -- so, okay.

15 She goes on to tell us, I want to say
16 something -- that you said, I want to say something and I
17 just can't. I hate my brother.

18 A. No. I love my brother. She's full of it.

19 Q. Do you know an individual named Polly Parks
20 (phonetic)?

21 A. I do, I think.

22 Q. How do you know Polly Parks?

23 A. As a tweaker.

24 Q. Have you ever been over to her house?

25 A. I have.

Wayne McGuffin

1 Q. Do you know a Christy Young or a Christy Cagley
2 (phonetic)?

3 A. Mm, I don't think so. I probably do, though.
4 Everybody knows everybody in this town.

5 Q. Do you know the daughter of Polly Parks? I
6 believe her name's Pam.

7 A. Possibly.

8 Q. According to these individuals, they've told the
9 police that you and Nick were at the home of Polly Parks one
10 night, that there was discussion about Leah's disappearance,
11 and there was a discussion about the shoe being found on
12 Hudson Ridge. And you've been quoted by these individuals,
13 that the shoe, quote, was put there to throw them off. It
14 was meant to be thrown there. They won't find anything
15 there.

16 A. I never said that.

17 Q. Never said it?

18 A. Never said it.

19 Q. All right. So it's your testimony here, as far
20 as you know, the only way that you know that Leah Freeman
21 died was because of Bill Sero and Tom Stemmerman?

22 A. Yep.

23 Q. Have you ever talked to those two?

24 A. Have not.

25 Q. Have the -- has anybody confessed to you that

Wayne McGuffin

1 they were responsible for the death of Leah Freeman?

2 A. Quite a few people have told me that that, and --

3 Q. No, you didn't unders -- answer the question.

4 The question is, has anybody told you directly that they
5 themselves caused the death of Leah Freeman?

6 A. No.

7 Q. Is it safe to say, sir, that the information you
8 have is totally based on rumor and what other people have
9 said?

10 A. Possibly.

11 Q. When you say possibly, that intimates that you
12 know something directly by --

13 A. This is all rumor too, that you're hearing --
14 that you're telling me. So --

15 Q. No --

16 A. -- it's all hearsay from them.

17 Q. Right.

18 A. Yeah.

19 Q. But they're willing --

20 A. So, I mean --

21 Q. -- to come in here and say that you said it.

22 A. Well, I didn't, so.

23 Q. Okay.

24 Now, has anybody -- again, so we answer the
25 question. Has anybody told you, I killed Leah Freeman?

Wayne McGuffin

1 A. No.

2 Q. Has anybody told you, I saw Leah Freeman being
3 killed?

4 A. No.

5 MR. FRASIER: Okay. Grand jury have any
6 questions you want to ask him?

7 GRAND JUROR: You say, you know, the rumors of
8 the two -- of Bill and Tom, that they hit her, they were on
9 acid, or whatever.

10 THE WITNESS: You know, it's what I've heard the
11 last ten years.

12 GRAND JUROR: And no one in your -- you have not
13 made any attempt to find out who they are or where they live
14 or --

15 THE WITNESS: I mean, I know who they are, but I
16 am not going to be vigilant and go and, you know, accuse them
17 of doing it. I mean, I don't even know where they live. I
18 never really hung out with them anyway, so for me to go do
19 that would be kind of far-fetched, yeah.

20 GRAND JUROR: Do you believe that he did it?

21 THE WITNESS: I do, actually, yeah. Because I've
22 heard from a lot of people. A lot of people.

23 BY MR. FRASIER:

24 Q. If I were to tell you that forensically we can
25 prove that Leah Freeman was not killed by being hit by a

Angela Haga

1 car --

2 A. I just said that. They hit her, and they threw
3 her in the trunk, and realized that she wasn't dead.

4 Q. Okay.

5 A. I said that when we started.

6 Q. If I can prove to you -- say to you we can prove
7 to you forensically she was not hit by a car, how does that
8 affect your opinion?

9 A. I still believe that.

10 MR. FRASIER: Any other questions?

11 Okay. You're free to go.

12 **TESTIMONY OF ANGELA HAGA**

13 (Witness sworn.)

14 BY MR. FRASIER:

15 Q. First of all, this is the grand jury for Coos
16 County, and we're looking into the death of Leah Freeman.

17 A. Okay.

18 Q. I need to advise you we are recording. It's kind
19 of obvious, but I have to tell you that affirmatively.

20 A. Okay.

21 Q. Okay. First of all, could you tell us your name
22 and where you live.

23 A. My name is Angela C. Haga, and I live in North
24 Bend, Oregon.

25 Q. And are you familiar with an individual named

H. McMullen

1 Q. Has anybody told you that they were personally
2 responsible for Leah's death?

3 A. No.

4 Q. Has anybody told you that they saw, personally
5 saw what occurred to Leah Freeman?

6 A. No.

7 Q. Just out of the blue, I think I'll ask you this.
8 Do you know Kristen Steinhoff at all?

9 A. Yeah.

10 Q. How do you know Kristen?

11 A. Um, drugs. Um, she -- her name's been thrown
12 around out there with the whole entire case.

13 Q. Has she ever told you anything about the case?

14 A. I don't like Kristen at all. I (indiscernible)
15 speak with her.

16 Q. Okay.

17 A. Sorry.

18 Q. No, that's okay. That's fine.

19 Again, I don't think I have anything else to ask
20 her. Does the grand jury want to ask her anything?

21 Okay. I think that does it. You're free to go.

22 THE WITNESS: Okay, guys. Thank you.

23 GRAND JUROR: Thank you.

24 THE WITNESS: I hope I'm some kind of help.

25 **TESTIMONY OF HEATHER McMULLEN**

H. McMullen

(Witness sworn.)

BY MR. FRASIER:

Q. Okay. First of all, this is the grand jury for Coos County.

A. Okay.

Q. And we are investigating the death of Leah Freeman.

First thing I need to tell you -- it's obvious, but I turned on some recorders. We're recording the proceedings here today.

A. Okay.

Q. All right?

First of all, could you tell us your name, please, and where you live.

A. I'm Heather McMullen, and I live in Myrtle Point.

Q. How long have you --

A. My address?

Q. No, that's fine. Myrtle Point's okay.

And do you -- had you lived in Coquille before?

A. Yes.

Q. How long have you lived -- or had you been around the Coquille/Myrtle Point area?

A. Um, well, I went to Coquille High School, so it was off and on since I graduated, I guess. Or I almost graduated.

H. McMullen

1 Q. And you're the mother of Kristen Steinhoff; is
2 that correct?

3 A. Yeah.

4 Q. Did you ever know a Nick McGuffin?

5 A. I knew him, but not knew him. He had just been
6 to my house.

7 Q. Okay.

8 A. So I didn't really know him, but --

9 Q. Did he come over like to visit Kristen or
10 something along that line?

11 A. Yeah.

12 Q. Is that about it?

13 A. Mm-hmm.

14 Q. Okay. Did you ever meet or know Leah Freeman?

15 A. No, never.

16 Q. Did you know an individual named Ricky Crook?

17 A. Mm-hmm.

18 Q. How do you know Ricky?

19 A. He was a really good friend of Kristen's.

20 Q. Individual named Zack Elderkin?

21 A. Mm-hmm. Yeah. He was a friend of mine, and
22 Kristen's.

23 Q. I want to first of all talk with you about the
24 evening that Leah disappeared, which would have been back in
25 the year 2000. Do you recall where you were living at that

H. McMullen

1 time?

2 A. At my mom's house on Dean Street.

3 Q. And Kristen, was she living there too?

4 A. Yeah.

5 Q. And was this about the time that you were
6 acquainted with Zack Elderkin?

7 A. Mm-hmm. Yeah.

8 Q. Do you recall what kind of car Mr. Elderkin was
9 driving at that time?

10 A. Um, it was Kia. It was like a new Kia, purple,
11 dark purple. Nice little car. Mm-hmm.

12 Q. Was there a day that Kristen borrowed
13 Mr. Elderkin's car?

14 A. Mm-hmm. Yeah.

15 Q. Could you tell us how that came about that she
16 was borrowing -- well, what happened that night?

17 Why don't you just tell us what happened.

18 A. Well, I'm not exactly sure how she ended up with
19 it, but I know that she borrowed it for a few hours and -- it
20 was supposed to be a few hours, but it turned into him being
21 a few hours late for work. So -- yeah. He went to work at
22 6:00 in the morning at -- in Eugene at a mill, a steel mill.
23 So.

24 Q. And she didn't get the car back on time?

25 A. No.

H. McMullen

1 Q. And he was late for work?

2 A. Right.

3 Q. Now, did Kristen have a car at that time?

4 A. Mm-hmm. It was a little Hyundai Elantra. And it
5 was purple also, but it was like a really light purple.

6 Q. Light purple?

7 A. Yeah. (Laughing.) I don't know what the color
8 of it is, but it's very light purple.

9 Q. How well did that car run, the Hyundai?

10 A. It ran pretty good. It was a 2000, I think.

11 Q. All right.

12 A. So -- my mom bought it for her. Helped buy it
13 for her.

14 Q. Who bought it for her?

15 A. My mom.

16 Q. Your mom bought it for her. Okay.

17 We've heard some testimony that she borrowed
18 Zack's car that night because her car wasn't running. Do you
19 recall if there was any particular problem?

20 A. Well, it did have some transmission problems. I
21 think it went through a couple of transmissions, actually.

22 Q. Okay. All right.

23 Now, do you recall Kristen leaving with
24 Mr. Elderkin in this car? Do you recall that at all?

25 A. No, but she could have, you know. She may have.

H. McMullen

1 Q. You're just aware she borrowed the car?

2 A. Hmm?

3 Q. You were aware she borrowed the car?

4 A. Oh, yeah, she -- I was aware.

5 Q. Did you ever --

6 A. I was seeing him, so, mm-hmm.

7 Q. Did you see Kristen in that car?

8 A. No, I didn't -- um, I don't think I actually seen
9 her in it, but I knew she had it.

10 Q. Did you see Kristen in the early morning hours of
11 the following -- you know, this was June 28th in the evening
12 when she borrowed the car. Early morning hours of June 29th,
13 did you see Kristen that morning?

14 A. Um, yeah. She was on the front porch and in and
15 out of the house, and stuff.

16 Q. Now, you had to get up early and go someplace?

17 A. It wasn't real early, but I had community service
18 that I was trying to work off, some --

19 Q. Okay. So did --

20 A. -- at the fairgrounds, I think.

21 Q. So you had to -- meet the bus to go over there
22 to --

23 A. No, I was driving.

24 Q. Okay. Was there anybody with Kristen that
25 morning?

H. McMullen

1 A. Um, Ricky and Nick. They were all on the front
2 porch. I don't remember if they came in the house or not,
3 but I know my bedroom window was at the front of the house,
4 by the street, and --

5 Q. And both Nick and Ricky were on the porch with
6 Kristen?

7 A. Right. Yeah.

8 Q. Was it light out when this was --

9 A. No, it was just like daybreak-ish. It was one of
10 those (indiscernible) -- foggy and -- and I didn't have -- I
11 didn't have to get up right then, you know.

12 Q. Okay. So how did you --

13 A. So I was still in my bedroom.

14 Q. Oh, so you're in your bedroom and they're on the
15 porch, and your window --

16 A. Right.

17 Q. -- is out --

18 A. Yeah, the window's open --

19 Q. Okay. And that just --

20 A. -- and it was warm.

21 Q. -- opens out onto the porch?

22 A. No. It's -- opens out into the front yard, but
23 the -- it's right next to the front porch.

24 Q. Oh, okay.

25 A. So the front porch is here, and then when you

H. McMullen

1 come into the living room, my bedroom is right off of the
2 living room.

3 Q. But you saw them or you heard them?

4 A. No, I saw them too.

5 Q. Okay.

6 A. You know. I was inside the house and up and
7 stuff, because my bedroom adjoins to the bathroom, which goes
8 into another bedroom, and then goes into the kitchen. And I
9 just was up around. But I could hear them talking and I knew
10 who they were and I'd seen -- you know, I could see who was
11 with her sometimes, you know. But I --

12 Q. Could you tell what they were talking about? Do
13 you remember what they were talking about?

14 A. I couldn't tell what they were talking about,
15 really.

16 Q. Kristen -- you know, I don't mean to embarrass
17 you or her or anything, but she had some issues back then.
18 Is that true?

19 A. Oh, yeah.

20 Q. She was into methamphetamine?

21 A. Probably several issues. Her and I didn't get
22 along very well back there, and she was a little out of
23 control and --

24 Q. In fact there was a time or two where she
25 actually assaulted you and the police would be called?

H. McMullen

1 A. Oh, yeah.

2 Q. And she actually went to jail once at least --

3 A. I did. I did. (Laughing.) Because --

4 Q. Or she went. Kristen went to jail because she
5 beat up on you?

6 A. Right. Well, she wasn't beating me up, but she
7 would just like come from behind and just attack me and --
8 and I didn't know what was going on, really, with her, but --

9 Q. Okay.

10 A. Yeah, I thought that maybe she might need to
11 learn a lesson.

12 Q. Okay.

13 A. Can't be doing that stuff. And I had my
14 boyfriend's eight-year-old daughter and -- and my nephew
15 there, so --

16 Q. Okay.

17 A. You know.

18 Q. You just couldn't have that kind of conduct going
19 on around them?

20 A. No. Hmm-mm.

21 Q. Are you aware of any -- well, let me ask you
22 this. Has Kristen told you anything about being involved in
23 the death of Leah Freeman?

24 A. No, not really. She -- I knew that they were
25 looking for her, and everyone was kind of upset and agitated

H. McMullen

1 and stuff. But I had never really met her. I didn't -- I
2 just never expected anything like this to happen.

3 Q. Well, okay. Kristen has never told you anything
4 about -- or has she told you anything about --

5 A. No, not directly. No.

6 Q. Has anybody told you -- I've been asking
7 everybody these questions, so I don't want you to feel left
8 out or anything. But has anybody told you that they killed
9 Leah Freeman?

10 A. No.

11 Q. Has anybody told you that they saw what happened
12 to Leah Freeman?

13 A. No. No.

14 Q. I'm assuming you've heard the rumor that -- or
15 some rumors about this.

16 A. Well, yeah, back -- you know, then, you know, I
17 guess. Mm-hmm.

18 Q. Is there anything about this case that you think
19 the grand jury needs to know about?

20 A. Nothing that I can think of, you know, really.

21 Q. Okay. What was the rumor that you heard?

22 A. Well, all I really know is Kristen and her
23 friends were looking for Leah. Kristen had said she would
24 wander -- was wandering off, and I knew they were looking for
25 her. And, you know -- I guess.

W. Sero

1 GRAND JUROR: Have you head any rumor about, you
2 know, she got run over by a car, or anything like that?

3 THE WITNESS: Oh, I did hear something about
4 maybe she had gotten hit by a car, when they bumped into her
5 when they found her walking on the road or something. I --
6 it's been a long time ago.

7 MR. FRASIER: Okay. Anything else?

8 GRAND JUROR: Do you know anybody that had a Jeep
9 Wagoneer back then?

10 THE WITNESS: No. Not that I can think of.

11 MR. FRASIER: Any other questions?

12 Okay. I think that does it.

13 THE WITNESS: Okay. Thank you.

14 **TESTIMONY OF WILLIAM SERO**

15 (Witness sworn.)

16 BY MR. FRASIER:

17 Q. First of all, could you -- well, let me back up a
18 second.

19 This is the grand jury for Coos County.

20 A. I guess so.

21 Q. And we're looking into the disappearance and
22 death of Leah Freeman.

23 A. Okay.

24 Q. It's obvious, we are recording everything here
25 today. Okay?

R. McNeely

1 Okay. You're done.

2 **TESTIMONY OF RAY McNEELY**

3 (Witness sworn.)

4 BY MR. FRASIER:

5 Q. First of all, this is the grand jury for Coos
6 County, as I'm sure you're aware. And we have turned on the
7 recorders. You're being recorded, okay?

8 A. Yep.

9 Q. First of all, could you tell us your name and
10 your occupation, please.

11 A. Ray McNeely, police officer for the City of
12 Coquille.

13 Q. And how long have you been with the City?

14 A. Coming up on five years, this October.

15 Q. I want to direct your attention here in the last
16 three, four, five weeks. Well, you've been -- by Chief
17 Dannels, you've kind of been made the de facto in charge of
18 this investigation police officer from the Coquille Police
19 Department?

20 A. Yes. Yes.

21 Q. In the last few weeks, did you have an
22 opportunity to speak with Tina Mims, I believe, otherwise
23 known as Tina Lehman?

24 A. Yes.

25 Q. Okay. Now, during the interview you had with

R. McNeely

1 her, she indicated that she had witnessed a scene at the --
2 where Kristen Steinhoff was staying, and that there had been
3 an incident where Nick McGuffin and an older gentleman had
4 accosted Kristen Steinhoff in a bathroom.

5 Do you recall her telling you folks that?

6 A. Yes, I do. It was at her grandma's house.

7 Q. All right. And you were trying to figure out who
8 the older gentleman was that was with Nick. Is that correct?

9 A. That's correct.

10 Q. What did you do when she told you that story?

11 A. We gave her -- I want to say it was probably
12 seven to nine photos, I can't remember exactly how many. And
13 she looked through all the photos, and she set aside, I think
14 like three of them. Three or four of them, and kind of took
15 the other ones aside. And they looked real familiar to her.

16 And she kind of went through, and then she kept
17 focusing on one photo, and said that that person looked --
18 could have been the person, but it looked older than the guy
19 was. And then that the guy back then was more scruffy. And
20 the picture that she had was more clean-cut. And we told her
21 that all these pictures are ten years older than obviously
22 2000, so.

23 Q. And the picture she seemed to pick out, who was
24 that picture of?

25 A. Bruce McGuffin.

R. McNeely

1 Q. And he's the father of Nick McGuffin?

2 A. Yes.

3 Q. Who -- other pictures that you had in this array,
4 did you have pictures, say, of Ricky Crook?

5 A. We did.

6 Q. And who else?

7 A. Bill Sero, Tom Stemmerman, Ricky, Brent Bartley,
8 Wayne McGuffin, Nick McGuffin. Of course Bruce. That's all
9 I could testify to. There might have been a few more, but
10 I'd have to look at my -- my notes for that.

11 Q. But these were all people supposedly involved in
12 some way or another in the case?

13 A. Yeah. That's why we pulled them, just pulled out
14 the ones that their names get brought up the most, and just
15 took the pictures off -- just with no names, and just let her
16 see the pictures. So.

17 MR. FRASIER: Okay. I --

18 GRAND JUROR: When were these pictures taken?

19 THE WITNESS: They're DMV photos that we pull off
20 the computer.

21 GRAND JUROR: So the last time they renewed?

22 THE WITNESS: Yeah, the last time they went in.
23 So some could be six months old; some could be, you know, two
24 years old. So kind of varying range, and I have no way of
25 knowing, you know, when they were taken off that.

R. McNeely

1 GRAND JUROR: So you say she -- it was like a
2 most -- it wasn't -- I don't know how to put this. Would you
3 say it was a positive, or she was the most likely of the
4 pictures?

5 THE WITNESS: I wouldn't say positive. She kept
6 focusing on that picture, and then she'd go through, and she
7 kept going back to that one. She kept saying, this kind of
8 looks like the guy, but this guy's older and clean-cut. The
9 other guy was younger looking and scruffier, but she goes,
10 the -- the features were the same, just not the -- I don't
11 know how else to better describe that.

12 GRAND JUROR: The outside -- yeah.

13 THE WITNESS: Yeah. That the features were
14 there, but not the -- the other stuff.

15 GRAND JUROR: Who were the other two that she set
16 aside with that?

17 THE WITNESS: Nick and Wayne are the two that she
18 set aside. That looked familiar, yeah.

19 GRAND JUROR: All McGuffins.

20 THE WITNESS: So -- and she knew Ricky Crook. So
21 she'd known him from back when he was a little kid, so that
22 person she knew the name of and knew who he was and knew that
23 wasn't, obviously --

24 GRAND JUROR: Did she admit to knowing Nick at
25 that time? Look at the photo and go, Oh, I know him, he's

R. McNeely

1 Nick?

2 THE WITNESS: No, it wasn't a direct like, Oh, I
3 know who that is, that's Nick McGuffin.

4 GRAND JUROR: Just Ricky?

5 THE WITNESS: Yeah, just Ricky. So apparently
6 she was friend with -- I think she told us she was friends
7 with Ricky's mom, I believe, if I remember correctly. Or
8 some part of his family.

9 (Indiscernible comments by grand jurors.)

10 MR. FRASIER: Any other questions?

11 If not, that's it.

12 THE WITNESS: All right. Thank you.

13 GRAND JUROR: Thank you.

14 (Proceedings concluded.)

15

16 --oOo--

17

18 I certify, by signing below, that the foregoing pages 1
19 through 166 constitute a correct transcript of WAV files
20 provided of the above-entitled matter, this 26th day of
21 February, 2011.

22

23

24 _____
PEGGY S. JILLSON, TRANSCRIBER

25

Bradley Michaud

1 out there. I was -- at the time I was driving my Nova, and I
2 just went down. I knew the roadblock was there, and that was
3 the road I took all the time, and I hate going all the way
4 over to Coquille and back to Myrtle Point. And I drove out
5 to the gravel pit and there was a white car sitting there, so
6 I did a cookie and headed back to my uncle's because -- just
7 checking to see if the roadblock was there, because I think
8 they found her body that -- that day or the day before. And
9 I went back to my uncle's and they came to my work the next
10 day, thinking I was trying to elude them. I said, No, that's
11 how I drive. (Laughter.)

12 BY MR. FRASIER:

13 Q. Anything else?

14 A. No, I don't -- it's been so long that --

15 MR. FRASIER: Okay.

16 Any other questions from the grand jury?

17 Okay, sir. That will do it. You're free to go.

18 THE WITNESS: All right. Thanks.

19 MR. FRASIER: Thank you.

20 GRAND JUROR: Thank you.

21 **TESTIMONY OF BRADLEY MICHAUD**

22 (Witness sworn.)

23 BY MR. FRASIER:

24 Q. Sir, this is the grand jury for Coos County, and
25 we're looking into the death of Leah Freeman.

Bradley Michaud

1 A. Mm-hmm.

2 Q. It's obvious, but I've got to affirmatively tell
3 you that we are recording the proceedings here this evening,
4 or this -- today.

5 A. Okay.

6 Q. First of all, could you tell us your name,
7 please, sir, and where you live.

8 A. Brad Michaud, and I live at 93902 Jensen Lane.
9 It's North Bend, Oregon.

10 Q. And you're the father of Alicia Michaud?

11 A. Right.

12 Q. What we're doing here today, sir, is -- well, I
13 have some questions about Alicia and some things that she
14 said, and so forth. But -- and again, I'm not trying to
15 embarrass anybody or anything along that line. I'm just
16 trying to figure out -- we're trying to figure out what the
17 heck happened.

18 A. Oh, yeah. Right. No, it's fine.

19 Q. Now, Alicia, she had a methamphetamine problem in
20 high school.

21 A. Oh, boy.

22 Q. Understand we had her in here the other day --

23 A. Right.

24 Q. -- and she -- she told me she's been clean for
25 about seven years. Does that sound about right?

Bradley Michaud

1 A. Mm-hmm. Yeah. Yeah, probably is pretty close to
2 that, I would think.

3 Q. On June 28th of 2000, the night that Leah
4 disappeared, I have information that you and your wife had
5 come back from a trip and then got ahold of Alicia and picked
6 up her baby.

7 A. Mm-hmm.

8 Q. Could you tell the grand jury about that, if you
9 (indiscernible)?

10 A. Yeah, it was -- oh, we'd gone through a lot of
11 trouble, with the meth, which is understandable when it takes
12 someone over like it did to our daughter. And we -- the
13 babe -- the child was -- her daughter was only like probably
14 three, four months old then.

15 What was the date, you said?

16 Q. June 28th, 2000.

17 A. And she was born in February, so -- yeah, so four
18 months old.

19 And, you know, we were just worried about her
20 having her. You know, we wanted her -- you know, she lived
21 with us, and stuff, had the baby while she was living with us
22 and everything. And -- and so stayed up at the house up on
23 Shelly Road, we lived at the time, up there.

24 And so we were in deep concern for the -- for the
25 safety of the granddaughter. And so we -- we made up

Bradley Michaud

1 something, I don't remember what it was at the time, to meet
2 us at the Safeway parking lot. I think we just got back
3 from -- I think maybe San Diego or Mexico. We go to kind of
4 both places.

5 Anyway, she did meet us there with the girl --
6 with the granddaughter. And I don't remember, you know, what
7 we told her, I mean, that I can't at all remember why we
8 had -- but we made up something. And then we said -- and
9 when she got there we said, well, you know, why don't we just
10 take her for the night, you know, and come get her tomorrow,
11 and she can spend the night or something. We got back, we
12 miss her, you know. And so she let us take her, and I'm so
13 grateful for that, because we might not have her if it wasn't
14 for that.

15 Q. Right. And --

16 GRAND JUROR: And what time was -- what time was
17 this?

18 THE WITNESS: That was eve -- it was dark. So
19 I -- you know, I'm not sure of the time, but I know it was --
20 it was after 9:00, probably, I bet.

21 BY MR. FRASIER:

22 Q. I think you told the police back in 2000 that it
23 was around ten o'clock.

24 A. That probably sounds right, yeah.

25 Q. It sounded like you'd flown in on a late flight

Bradley Michaud

1 to North Bend --

2 A. Okay.

3 Q. -- and then --

4 A. Yeah, because I -- I don't even think we'd been
5 home yet, I don't think. You know.

6 Q. And she had been at some party at T.J. Greaves'
7 (phonetic) place or something along that line?

8 A. Uh, yeah. I don't -- I -- she said something
9 about a party, it seems like I recall, but I don't remember
10 any names or anything.

11 Q. When she came to -- with the baby, was anybody
12 with her, that you can recall?

13 A. No, and I don't even remember how she got there,
14 to tell you the truth. I mean, it's been ten years.

15 Q. All right.

16 A. I don't remember if she drove or some -- if
17 somebody would have brought her, I would have remembered
18 that, I would have thought. But, yeah, I don't remember
19 that.

20 Q. She had a car?

21 A. She had a car, yeah. But whether she was driving
22 it then -- she had a BMW that we sold her, or had for her,
23 and -- and I don't remember if she had it. I think we took
24 it away from her because of all the -- the meth abuse and
25 stuff.

Bradley Michaud

1 Q. Now, shortly after Leah disappeared, Alicia went
2 into rehab for a bit over in Roseburg.

3 A. Mm-hmm.

4 Q. Did you arrange for that, or did your family
5 arrange for that?

6 A. Oh, I'm sure we did, yeah.

7 Q. Okay.

8 A. We arranged for quite a few of them, yeah. And
9 so I think we were -- it was never her going and getting it
10 set up, until I think towards the end more, when she finally
11 got really cured. It was just -- I think we just finally had
12 it, and -- you know.

13 Q. When she went into rehab there in 2000, at some
14 point in time she started saying some stuff about Leah
15 Freeman and -- and I don't know if it was you folks or not,
16 but she ended up with an attorney, David Harry.

17 A. Mm-hmm. Right.

18 Q. Did you arrange for that, or was that something
19 the rehab (indiscernible)?

20 A. Boy, you know, she was in Roseburg. And was that
21 when she was at that -- that place in Rose -- like Deer Creek
22 or something like that?

23 Q. I don't know.

24 A. I don't remember arranging that. We didn't pay
25 him.

Bradley Michaud

1 Q. Okay.

2 A. Okay. It was I think pro bono type of deal, I
3 think. And no, so we did not arrange for that. No.

4 Q. Well, has -- and the reason I bring you in for --
5 wanted you to come in and talk with the grand jury about this
6 is she's been quoted by a whole bunch of different people
7 about different stories about what happened to Leah. You
8 know, one version we hear is that Bill Sero ran her over with
9 a car, or Tom Stemmerman ran her over with a car. And then
10 we've heard other stories where she said she was actually in
11 the car when it occurred, or then other times it's these
12 people told me this. I mean, she's all over the place --

13 A. Oh, yeah.

14 Q. -- about what occurred.

15 Has she ever discussed with you about what she
16 knew about Leah Freeman at all?

17 A. About that, yeah. Yeah, she did, you know.
18 And -- or we might have asked her, you know. And -- and she
19 told me -- and this is honest-to-God truth, she said they --
20 they told her that they were -- Bill Sero and Stemmerman were
21 frying on acid and they hit her. They hit her in the vehicle
22 on their way up to Coquille. Like, it seems to me it was
23 like that straight stretch just after you turn at the stop
24 sign there and head east to Fairview.

25 Q. Okay.

Bradley Michaud

1 A. That's what I -- I don't know why I envision that
2 it was there, but it was on the way that way, anyway, is what
3 she told me.

4 And -- and I don't remember what she said after
5 that. She -- like they might have got her then and put her
6 in the -- she wasn't dead, I kind of vaguely remember, and
7 they put her in the trunk or something, took her to his house
8 or something. And that's all I -- that's what they told her,
9 you know.

10 And she never said to me once that she was in the
11 car. Never said that to me. And, you know, I'd have
12 probably killed her myself if -- you know. But she never did
13 say that to me, and whether she was or not, I, you know, have
14 no clue.

15 Q. Well, and at the time she was pretty much into
16 methamphetamine?

17 A. Oh, yeah. Yeah. But, you know, they'd go their
18 days when they're up for a long time, and then like, you
19 know, she'd come and visit Tiana (phonetic) on a pretty
20 regular basis. Because we -- we got custody of the
21 granddaughter then. We still have custody. And so she would
22 come visit her and we told her, when you come visit, you
23 better not be high, because you're not going to visit.

24 Q. Right.

25 A. And so that's when I had -- that's when I had

Bradley Michaud

1 asked her some of this stuff too, I'm sure, you know, because
2 she -- I wouldn't talk to her when she was spaced out. You
3 know, you're not going to get anything truth out of her.

4 Q. There were a couple of times too, and I think
5 we -- when we talked to her last week, that she talked about
6 she might have seen this in a dream or a vision --

7 A. Mm-hmm.

8 Q. And then, you know, when people quoted her
9 saying, Well, Bill told me this and then I was there and I
10 saw it. And, you know, she -- she's been all over the place.
11 But I was just trying to figure out what she told you, and
12 what she told you was that Bill and Tom or Bill told her
13 directly that that's what occurred?

14 A. Yeah, I don't know if it was Bill or Tom, or -- I
15 thought it was Tom, but I'm not -- I couldn't swear by that.
16 But they had told her that they were really high on acid and
17 I think from that party or something, or from a party. They
18 were partying, and that they hit her on the side of the road,
19 or, you know, in the road, or off the shoulder or something
20 like that, you know, and --

21 Q. Right.

22 A. I mean, she -- she wouldn't be in the middle of
23 the road, I guess. But anyway, I mean, I don't know if
24 that's what happened, if she got hit. But that's -- that's
25 all she said as far as about them telling her that.

Bradley Michaud

1 Q. Right.

2 A. And she did have dreams. I mean, she told us
3 about the dreams. And, you know, told -- told my wife that,
4 you know, she's in -- she's in a river, dead, somewhere. And
5 this was before they found her.

6 Q. Right.

7 A. And she probably -- I'm sure she's told you that,
8 probably.

9 Q. Well, when we've talked to her lately, just to
10 answer your question, is is she -- she's telling us now that
11 Bill and Tom never told her that.

12 A. Really? Wow.

13 Q. Yeah. So, but on the other hand, she's -- you
14 know, we don't know, because quite frankly I think the meth
15 has had an effect on her.

16 A. Oh, definitely. Yeah. Yeah.

17 Q. Is there anything else about this case, sir, that
18 you think we ought to know about?

19 A. I have some letters here that my wife and I saved
20 from way back then because of the -- getting the custody of
21 the -- the granddaughter. And they were from -- they were
22 from -- I think a couple from jail. And then one thing was
23 from one of the rehabs, where they have you do a worksheet of
24 something, you know. And then one -- they must have had her
25 write a letter to -- to Stemmerman, because it's some -- it

Bradley Michaud

1 says Tom, and then goes on.

2 Q. Okay.

3 A. And it never got to Tom. And I don't even know
4 how it got to us, but we had gathered, you know, the -- when
5 we'd get out of those places, or she'd leave, you know, we'd
6 get all the stuff. And we ended up with all the stuff all
7 the time, and so we had a bag of letters, you know. And we
8 went through them, and so I brought in ones that I thought
9 you might want to have a look at. So you can make -- they
10 made copies. Now, if you want these originals, I'd like some
11 copies.

12 Q. Okay. Who made copies?

13 A. The detectives.

14 Q. Oh, they made copies, over here?

15 A. Yeah, because I told them about them, and they
16 said, Well, can we go ahead and make some copies? And I
17 said, Well, yeah.

18 Q. I think if you -- I'll have them give you the
19 copies so I can have a chance to look at them, and the grand
20 jury can look at them.

21 A. Mm-hmm. That's fine.

22 Q. And if -- we'll give them back to you, the
23 originals, if we don't need them.

24 A. Yeah, if --

25 Q. But we'll make sure you have copies.

Bradley Michaud

1 A. You know, and if she's just talked about, you
2 know, being raped by Stemmerman and have -- held at gunpoint,
3 and -- and all that stuff in these letters. And -- and says
4 on that letter to Tom, you know, at the end, you know, I
5 just -- you know scares me to death what you did to that --
6 or what you said about that girl. And -- but I mean,
7 you'll -- you'll read it and see.

8 Q. Yeah.

9 A. And some are kind of -- you've kind of got to
10 read them a couple times, because she -- some misspelling, is
11 misspelled, and, you know. But just, yeah. I thought they
12 might be helpful. They might be helpful.

13 Q. Well, I appreciate you doing that, sir.

14 A. Yeah. Well, I want this solved as much as
15 anybody. Really do. The girl deserves justice.

16 MR. FRASIER: Okay. Any questions for
17 Mr. Michaud?

18 GRAND JUROR: You said you -- even when you were
19 obviously intimately around her when she was on meth but when
20 she was not doing it, would you say that the conversations
21 and -- would be coherent? I mean she -- when she wasn't
22 doing it, she was fairly coherent?

23 THE WITNESS: Yeah. Yeah. Yeah. I thought like
24 maybe 90 percent, you know.

25 GRAND JUROR: Sure. It was just really --

Bradley Michaud

1 THE WITNESS: Yeah. Yeah. I mean, you could
2 just tell where she -- you know, she didn't look like she was
3 on them, but you could -- you know, she just looked bad from
4 doing it for so long, you know. And just be real sunk-in,
5 and I'm just -- you know, if you've seen people that have
6 done that. And, but she was coherent, and answered
7 questions, you know, or talked in a pretty normal -- you
8 know.

9 GRAND JUROR: Would you say it really weighed on
10 her, the death of Leland [sic] Freeman -- I mean, had --

11 THE WITNESS: I -- I think it's weighed on her
12 for years. You know, I think it's -- it's been a lot of
13 maybe the issue why she's been on the meth so long, like she
14 was on it just to maybe ease the pain, you know. And
15 that's -- that's all I can think of, you know.

16 And these guys got her hooked on it, all this
17 crowd, and man, I mean, she just, fwuh (phonetic), went off
18 the deep end there, and didn't care about her family. She --
19 the only thing that I think kept her alive was her daughter,
20 knowing that some day she could be reconnected with her
21 daughter.

22 And you'll see in this -- if you read these
23 letters. And, you know, that just kept her going, you know.

24 GRAND JUROR: Did she repeat the same stories to
25 you a lot?

Bradley Michaud

1 THE WITNESS: Yeah, she -- yeah. I asked her the
2 same thing, about those guys here, and that's the only thing
3 I ever heard from her about that, you know. And she did say
4 she seen some bloody clothes at Stemmerman's house. And --
5 and that's all I know about that. She -- you know, she never
6 saw she -- said she saw the girl, you know, dead or anything.
7 She didn't say that to me. She just -- just said that she
8 did see some bloody clothes, and they -- they've held guns at
9 her -- to her head, and -- you know.

10 And -- and in one of those letters she told us --
11 and I didn't even know the guy. I didn't even know the name.
12 And told us that -- from jail.

13 I don't know how long she'd been in there. But,
14 you know, when you're in jail, you're not -- have any access
15 to the drugs or anything. And she told us, she said we --
16 she thought we should get a straight -- restraining order
17 against Tommy Stemmerman. You know, I didn't know why, you
18 know. And -- and we didn't. I just had -- I had some -- you
19 know, plenty of guns around, and I thought, you know -- you
20 know, keep them around, you know. And she said he doesn't
21 know where we live, she said in a letter, but, you know, he
22 knows who we are.

23 And she said he made threats. She told us, not
24 in that letter, but said he made threats to her about the
25 safety of our family, is what --

Bradley Michaud

1 GRAND JUROR: Did --

2 THE WITNESS: -- is what --

3 GRAND JUROR: Did Alicia -- didn't she go to his
4 house, though, when she got out of --

5 THE WITNESS: After rehab?

6 GRAND JUROR: Yeah.

7 THE WITNESS: He -- in one of those letters, he
8 bought her cab for 200 bucks from Roseburg, I think, and told
9 her to leave. You know, Hey -- or gas. I mean, I don't
10 know, but she -- she -- I don't know what he told her, if he
11 called her, if she called him. But he paid for a cab to go
12 to his house. And this was after -- I think after the -- the
13 murder. And from Roseburg to his house here.

14 And that's when he -- that's when he allegedly
15 raped her. Because she wanted -- he wanted her -- no, a
16 month later, it says in there, she -- he wanted to be paid
17 back, you know, or have sex with him, and she said no. And
18 then I guess -- or you're not going to leave alive.

19 And then -- then just like minutes after that
20 they were busted. The -- a SCINT team came in and busted
21 them, and held guns to their down on the floor, and arrested
22 Tommy. And I don't know if she got arrested, but I know
23 Stemmerman did, at his house.

24 MR. FRASIER: Any other questions for
25 Mr. Michaud?

Ashley Slagle

1 Okay, sir. I think that will do it. Thank you
2 for coming in.

3 THE WITNESS: Yeah. Yeah. You're welcome.

4 **TESTIMONY OF ASHLEY SLAGLE (AMELUNG)**

5 (Witness sworn.)

6 BY MR. FRASIER:

7 Q. First of all, this is the grand jury for Coos
8 County.

9 A. Okay. Hello.

10 GRAND JUROR: Hi.

11 BY MR. FRASIER:

12 Q. And we're looking into the death of Leah Freeman.

13 A. Yes.

14 Q. And I think it's obvious, but I turned on the
15 recorder. We're recording everything here today.

16 A. Yes.

17 Q. Okay?

18 First of all, could you tell us your name,
19 please, and where you live.

20 A. Ashley Slagle, maiden name is Amelung, and I live
21 in Myrtle Point, which is 1816 Sunset Court.

22 Q. And how long have you lived in Myrtle Point?

23 A. Um, for one year.

24 Q. Did you used to live in the Coquille area?

25 A. Yes.

Sarah Noah

1 And I think, yeah, they were still together then.

2 See, I don't know for sure about that.

3 MR. FRASIER: Any other questions?

4 GRAND JUROR: Anything in there for us?

5 THE WITNESS: What's that?

6 GRAND JUROR: Anything in your briefcase for us?

7 THE WITNESS: No. No. I was -- I'm a
8 contractor. I was doing some bids out there. I didn't know
9 how long this was going to take. (Laughter.)

10 GRAND JUROR: I thought maybe you --

11 THE WITNESS: I wish. I wish I had, you know?

12 GRAND JUROR: All right.

13 THE WITNESS: I wish I had a crystal ball and I
14 knew everything, you know. This -- like I said, this is
15 serious, and it's -- anxious to see the outcome.

16 GRAND JUROR: Okay.

17 MR. FRASIER: All right. Anything else?

18 Okay, sir. You're free to go.

19 THE WITNESS: Thank you guys.

20 GRAND JUROR: Thank you.

21 THE WITNESS: Good luck.

22 **TESTIMONY OF SARAH NOAH**

23 (Witness sworn.)

24 BY MR. FRASIER:

25 Q. Okay. First of all, this is the grand jury for

Sarah Noah

1 Coos County, and we're looking into the death of Leah
2 Freeman. I need to tell you that I turned the recorders on,
3 so you're being recorded.

4 A. Okay.

5 Q. Okay?

6 A. Okay.

7 Q. First of all, could you tell us your name,
8 please, and where you live.

9 A. Sarah Noah. You mean my street address?

10 Q. Just whatever town you live in.

11 A. Coquille, Oregon.

12 Q. How long have you lived in Coquille?

13 A. Since seventh grade, so -- off and on, yeah. I
14 moved a couple of times out, but pretty much my whole life.

15 Q. All right. Do you know an individual named Nick
16 McGuffin?

17 A. Um, I've heard of him, but I never knew him.

18 Q. Never --

19 A. Not personally, no.

20 Q. Okay.

21 A. I'm sure I've crossed paths with him in --

22 Q. Okay. And how about Leah Freeman herself?

23 A. Leah, I never met personally either.

24 Q. Okay.

25 A. She was quite a bit younger than I was, so.

Sarah Noah

60

1 Q. Well, do you know an individual named Bill Sero?

2 A. Yes.

3 Q. And Tom Stemmerman?

4 A. Yes.

5 Q. And Rowdy Howard?

6 A. Yes.

7 Q. And how do you know all these three?

8 A. Rowdy is the father of two of my children.

9 Q. Okay.

10 A. Bill and Tom were -- he went to school with them,
11 grew up with them, so I met them through him. Bill I knew a
12 little longer because he was around here, dating a girl here,
13 so --

14 Q. Oh, yeah.

15 A. -- I knew him a little bit through the years.
16 But mainly through Rowdy, is how I came to know those two.

17 Q. All right. I've been trying to get -- to find
18 Rowdy to bring him here, and I guess there's a warrant out
19 for his arrest right now.

20 A. Mm-hmm. He's -- I can't find him either. He
21 hasn't been in contact with his kids or anything. And he
22 sent me a message over the computer and I told him I didn't
23 want him anywhere near my children. At this point I don't
24 think he's --

25 Q. Okay.

Sarah Noah

1 A. -- doing well enough. So, um, I'd hope you could
2 find him.

3 Q. Yeah. Well --

4 A. I'd help you if I could.

5 Q. No, we're -- we'll see what we can do.

6 A. Right.

7 Q. I guess the question I have for you here, I have
8 information going through the police reports that have been
9 given to me.

10 A. Mm-hmm.

11 Q. And you can see there's a bunch.

12 A. Mm-hmm.

13 Q. The information I had is that at some point in
14 time you heard a rumor that Bill Sero had killed Leah Freeman
15 and that you had confronted him about that. Do you --

16 A. Well, I remember asking him once about it, yes.

17 Q. And what did Mr. Sero tell you when you
18 confronted him about that?

19 A. I can't remember fine details, but I know he
20 didn't come out and admit it. But he -- his demeanor really
21 changed, he acted really strange. Um, he gave her a ride
22 that night.

23 Q. Okay. He told --

24 A. That was all that I got out of him. Yeah.

25 Q. He told her that he gave her a ride?

Sarah Noah

1 A. That he gave her a ride that night, yeah.

2 Q. And did you talk with a Tom Stemmerman about
3 this?

4 A. Yes.

5 Q. And what did Mr. Stemmerman have to say?

6 A. Tom at one point told me Bill did it.

7 Q. Okay.

8 A. It's just been so long to find -- you know,
9 word-for-word, I don't know if I can repeat.

10 Q. Okay.

11 A. So --

12 Q. And looking at the reports, there was something
13 that Stemmerman told you that Sero had run over Leah with a
14 car?

15 A. Yeah. Yeah.

16 Q. And that's --

17 A. I mean, I think I could say -- I couldn't go
18 and -- right now, and say on -- on this day Tom told me these
19 words exactly, but --

20 Q. Okay.

21 A. -- the story of it, I mean, I think I could -- of
22 what happened.

23 Q. You think --

24 A. And it came from those men. Those -- in that
25 group. Tom and Bill and Rowdy.

Sarah Noah

1 Q. Well, what did Rowdy have to say about that?

2 A. Rowdy had said he -- he's really the one that --
3 he was -- says he was afraid for my well-being, and -- and he
4 was off and running for weeks at a time. He thinks Bill and
5 Tom did it. He told me that people had told him that, that
6 he tried to get the information straight from Bill and Tom,
7 and --

8 Q. Okay.

9 A. Um.

10 Q. All right.

11 A. I don't -- you know, I don't -- I don't know
12 what.

13 Q. Has anyone told you, you know, face to face,
14 that -- talking to you, Hey, I killed Leah Freeman?

15 A. No.

16 Q. Had anybody told you, I was there and I saw what
17 happened?

18 A. No.

19 Q. There was something Rowdy was saying about a --
20 being played a tape recorder?

21 A. Yeah.

22 Q. Do you know anything about that?

23 A. From what he said. Um, that the police had this
24 tape, and on the tape it said that we need to get rid of her,
25 that she knows too much. And that they were talking about

Sarah Noah

1 me.

2 Q. And -- okay. They were talking about you?

3 A. They were talking about me. And there was a
4 point where I think I got in a little conversation with Bill
5 and Tom about -- not about that tape. I didn't come out and
6 ask them, you know, Do you guys -- Did you make a tape saying
7 you wanted -- because it scared me to death, you know.

8 But they acted strange one day, and one of them
9 was leaving town or something. And my car was broken down,
10 and one of those guys was going to fix a part or something.
11 And I made a comment about, Well, when you get back. And,
12 um, they both looked at me and said, Well, no, you probably
13 won't see us again. And, you know, the way that they said, I
14 don't -- exact words, I told an officer about this sometime,
15 so I should be wrote down.

16 Q. Yeah.

17 A. I got the feeling that they were -- you know,
18 watch out. You know. You -- there's not going to be another
19 time where you see us. Kind of a threat towards me. You
20 know.

21 Q. Okay. You thought they were threatening you?

22 A. Yeah. Yeah, I felt very threatened. Yes.

23 Q. Did they -- well, let me ask you this. Has Bill
24 Sero or Tom Stemmerman, have they ever hurt you?

25 A. No.

Sarah Noah

1 Q. They may have threatened you, but they've never
2 gone and beat up on you --

3 A. No.

4 Q. -- or trashed your house?

5 A. No.

6 Q. Or your property, or --

7 A. Hmm-mm.

8 Q. Have they made nasty phone calls to you, trying
9 to intimidate you in any way?

10 A. Tom called me for a while after -- I went home to
11 my mom and dad's. I just panicked, went home, and got myself
12 to a safe place. He called me.

13 Q. Okay.

14 A. And I think he called me from jail one time,
15 and -- and told me not to say anything; I mean, quit talking
16 to people and -- well, I just cut off all -- I just got away
17 from it. You know, I didn't want to be in --

18 Q. Well, Tom was a pretty big dope dealer at that
19 point --

20 A. Oh, yeah.

21 Q. -- was he not?

22 A. Yeah.

23 Q. Okay. And was he telling you not to talk about
24 his dope dealing or --

25 A. No.

Sarah Noah

1 Q. -- was he telling you not to talk about Leah?

2 A. Not to talk about -- he didn't want me to tell
3 anybody that he knew Bill. He even told me at one point that
4 they were trying to act like they didn't know each other, and
5 not associate with each other because people would, you know,
6 put that two and two together. He told me that -- that Bill
7 did -- that Bill ran her over, and he talked like he was
8 there.

9 Q. Okay.

10 A. But that they were disassociating so that people
11 didn't put the two of them together and make sense of it.

12 Q. Okay.

13 A. And that I shouldn't tell anybody that I'd talked
14 to them, or don't tell anybody that we're friends, and --

15 Q. Okay.

16 A. -- you know, Bill and Tom were friends, or
17 anything like that.

18 So -- and then I just put -- taking it -- you
19 know, I just cut my ties off. So I don't even know what
20 happened to them after that.

21 Q. Right.

22 I don't think I have any other questions for her.

23 Is there anything else you think the grand jury
24 needs to know about this?

25 A. Um, I wonder about the man that came and talked

Sarah Noah

1 to me that said he was a private investigator, and --

2 Q. Mr. Bentley?

3 A. Mike, I think his first name was. I don't
4 remember his last name.

5 Q. Okay. Jack?

6 A. I don't remember his last name. A picture -- the
7 officers showed me a picture several months ago, and I could
8 identify him from the picture.

9 Q. Okay.

10 A. So what -- he told me his name was Mike, at the
11 time.

12 He tape-recorded many, many conversations with
13 him and I.

14 Q. Okay.

15 A. I don't know where those tapes are or anything.
16 But, I mean, he had a lot to say to me, and I had a lot to
17 say to him. So whatever, you know, is not fresh in my
18 memory, I mean, I think it would be a good idea for if you
19 guys could ever come across those tapes or anything, to --

20 Q. Okay.

21 A. Or this guy. I don't even know who that man was
22 or if he really was a --

23 Q. Well, if it was --

24 A. -- to look back on it, a true private
25 investigator or not, you know.

Sarah Noah

1 Q. If it was Jack Bentley, he has since died.

2 A. See, and I don't know. I can't -- I -- in my
3 mind, the guy's name was Mike.

4 Q. Okay.

5 A. But a picture somebody has, one of the
6 investigators has a picture of the guy.

7 Q. Did he say he had been hired by the Freeman
8 family?

9 A. Um, I can't remember if he was hired by the
10 Freeman family. What he -- when he first came to me he said
11 the Freemans had hired an investigator that ended up ripping
12 them off for \$10,000. And my assumption was the guy was kind
13 of flying solo, was trying to do this --

14 Q. How long ago was this?

15 A. This was back when this was all happening, back
16 in -- I guess 2000, 2001.

17 Q. Do you remember, how long ago was it that you
18 looked at some pictures?

19 A. A couple of months ago.

20 Q. Okay.

21 A. No, see. Had an interview with Officer Dannels,
22 and Officer Smith -- Smith, first?

23 Q. Pat Smith?

24 A. Yes.

25 Q. Tall -- very tall?

Sarah Noah

1 A. Yeah. Yep.

2 Q. Okay.

3 A. And then I had a follow-up interview with McNeely
4 and Webley.

5 Q. Who showed you the pictures?

6 A. I think it was the interview with McNeely and
7 Webley.

8 Q. Okay. I'll talk to them about that.

9 Okay?

10 A. Yeah.

11 Q. Anything else?

12 A. And they also had a -- they were trying to find
13 a -- I just talked to them. The report of that interview
14 with them.

15 Q. Okay.

16 A. They didn't know if you had a copy. He's trying
17 to find the report of it. There might be some other
18 questions after you read that, that you want to ask me.

19 Q. Okay. Well --

20 A. So --

21 Q. -- we'll worry about that later.

22 A. Yeah. I'll be twice.

23 MR. FRASIER: Okay. All right. Does the grand
24 jury have anything else to ask her?

25 GRAND JUROR: Bill -- well -- yeah. Would you --

Sarah Noah

1 how -- would you describe him as -- well, he threatened --
2 sounds like he threatened you. But would you consider him a
3 violent-type person, or --

4 THE WITNESS: Tom and Bill?

5 GRAND JUROR: Yeah.

6 THE WITNESS: Yeah. You know, he was always
7 known as you didn't mess with him. You didn't mess with
8 Bill. He'd beat you up or whatever. I mean, he was, amongst
9 the men, up there at the top. You didn't mess with Bill.
10 And he'd lose it, you know, and -- and freak out. Yeah.
11 Yeah, I would definitely say he's the violent type, so.

12 GRAND JUROR: Have you -- do you know which type
13 of automobiles they had at that time, Tom and Bill?

14 THE WITNESS: Um, what they were driving. Um,
15 tom had a -- give me a second here. A Mitsubishi Eclipse.
16 It was kind of a newer, silver-ish -- that's what Tom was
17 driving.

18 Bill, I don't know what he was driving. He was
19 borrowing a car from a guy that lived in Eugene and was down
20 and staying with his brother, and it was a purple Kia. He
21 had that car the night that Leah went missing. And I was
22 staying at the house from where he borrowed the car from.

23 GRAND JUROR: That was -- who had that one?

24 THE WITNESS: Um, the guys --

25 GRAND JUROR: The purple Kia?

Sarah Noah

1 THE WITNESS: -- Bill had borrowed that car from.
2 The guy's first name was Zack. I don't remember what his
3 last name is. Jill Clifton's brother Zack owned the purple
4 Kia, and Bill borrowed it from him.

5 GRAND JUROR: Okay. That was the night of the
6 28th?

7 THE WITNESS: The night that Leah was missing,
8 yeah.

9 GRAND JUROR: Jill Clifton?

10 THE WITNESS: Clifton, C-L-I-F-T-O-N.

11 And they didn't bring the car back. It was
12 supposed to be the agreement between Zack and Bill, bring the
13 car back within a few hours. The car didn't come back till
14 late the next day.

15 GRAND JUROR: And you remember that conversation
16 that night?

17 THE WITNESS: I was there when the car left and
18 came back, so.

19 GRAND JUROR: Oh, the next day, when it came
20 back?

21 THE WITNESS: Yeah. Yeah. I was staying --
22 temporarily, I was staying at that house.

23 BY MR. FRASIER:

24 Q. Okay. Which house was that?

25 A. It was out at Green Acre -- the access road up on

Sarah Noah

1 the hill there towards Green Acres.

2 Q. And this was a purple Kia?

3 A. Purple Kia, yeah.

4 Q. If I were to tell you that Mr. Elderkin and a
5 Kristen Steinhoff -- do you know her?

6 A. Kristen Steinhoff, yeah. She was with -- that
7 night, she was one of the ones that borrowed the car too.

8 Q. Yeah, she's the one that borrowed the car.

9 A. Yeah. She was -- yeah. And she let Bill drive
10 it that night. She borrowed the car. You know, it was
11 supposed to be borrowed to her. That -- Zack got upset
12 because she -- the agreement was she borrowed it, but she let
13 somebody else -- you know, she handed it over to Bill, after
14 she agreed. And then didn't bring the car back out till the
15 next day.

16 GRAND JUROR: When the car was brought back, any
17 damage?

18 THE WITNESS: Uh, not -- you know --

19 GRAND JUROR: Anything different than the way it
20 was left?

21 THE WITNESS: I don't think anybody was looking
22 for it because I don't think anybody knew --

23 GRAND JUROR: Nothing noticeable?

24 THE WITNESS: -- that she was even missing at
25 that point, you know.

Sarah Noah

1 Down the road, I don't know if it was a month
2 later, a week -- a couple of weeks later or whatnot, in a
3 conversation with Zack, he had taken the car back up to
4 Eugene where he was from, and had some work done on -- on it.
5 I don't know what kind of work, but it was up on whatever you
6 call it. Up in the air. And the mechanic or whoever was
7 working on in found blond hair underneath the car, when they
8 had it up on the thing.

9 And that was -- in that same conversation, and
10 that Zack -- that guy was -- he never did drugs. He never --
11 he was down from Eugene visiting family, and kind of got
12 sucked into that. But he never -- he wasn't the partying
13 type, like most of those people at that time, or -- or
14 anything. And --

15 GRAND JUROR: Is it a dark purple, or --

16 THE WITNESS: Yeah. Um, almost the color of the
17 sweatshirt she's wearing. Around that color.

18 MR. FRASIER: So when the car was being worked on
19 and the blond hair was found, did anybody do anything with
20 that? Notify anybody?

21 THE WITNESS: Mm, Zack, I don't know if -- if he
22 did or not. I know that in one of my past ten -- whatever
23 years ago, interviews with an officer, I had mentioned this.
24 I don't know if anybody else did. I don't know if Zack told
25 anybody but me. That was when he kind of said, Well, that

Sarah Noah

1 was the same night they borrowed my car, was the night Leah
2 came missing. You know, and his -- whether it -- his
3 assuming, is what it was --

4 GRAND JUROR: Mm-hmm.

5 THE WITNESS: -- was that because it was some
6 time later that he had the car worked on, and he said they
7 found that --

8 GRAND JUROR: So all that came together later?

9 THE WITNESS: -- so he kind of put it -- right.
10 Not too much later, and within a month, I would say, time.
11 But, I mean, I don't know if anybody else -- if he had told
12 anybody else about that or -- or what.

13 GRAND JUROR: And when did he tell you about
14 that? How much later was that, from when it happened?

15 THE WITNESS: It was about a month after it
16 happened, yeah.

17 GRAND JUROR: So two months after the entire --

18 THE WITNESS: Yeah, maybe. I'd say all of this
19 happened within a two-month span of time.

20 MR. FRASIER: Any other questions?

21 Okay. That's it. You're free to go.

22 THE WITNESS: All right. Thank you.

23 GRAND JUROR: Thanks.

24 (Conclusion of CD 048.)
25

Sarah Noah

75

--oOo--

I certify, by signing below, that the foregoing pages 1 through 74 constitute a correct transcript of WAV files provided of the above-entitled matter, this 23rd day of February, 2011.

PEGGY S. JILLSON, TRANSCRIBER

Andrew Ousley

1 COQUILLE, OREGON; FRIDAY, JULY 30, 2010

2 -o0o-

3 TESTIMONY OF ANDREW OUSLEY

4 (Witness sworn.)

5 BY MR. FRASIER:

6 Q. Sir, this is the grand jury for Coos County, and
7 we're looking into the death of Leah Freeman. It's obvious,
8 sir, that we have turned the recorders on, so we're recording
9 this here today.

10 Sir, could you tell us your name and where you
11 live.

12 A. My name is Andy Ousley. I live in Homedale,
13 Idaho.

14 Q. How long have you lived there, sir?

15 A. Mm, about ten years.

16 Q. And prior to that, did you live over here in Coos
17 County?

18 A. I did.

19 Q. How long did you live here?

20 A. Oh, about 15 years.

21 Q. Sir, the reason I asked you to come to grand jury
22 was a couple of things. My understanding is the police
23 interviewed you in May of this year; they went out to Idaho
24 and interviewed you. And you indicated to them that you knew
25 something about a guy named Art Jones having something to do

Andrew Ousley

1 with this case.

2 A. Um, I actually -- what I told them was something
3 that I had overheard.

4 Q. Okay. And what did you overhear?

5 A. Somebody said that -- or the rumor was, that Art
6 had disposed of some clothing, um, which supposedly was that
7 gal's clothing.

8 Q. All right.

9 A. Now, I don't know positively one way or the
10 other. That is just what I had heard.

11 Q. And this was not from Mr. Jones?

12 A. No.

13 Q. This was from --

14 A. This was people talking at a party, and I had
15 overheard that.

16 Q. All right. Because the way they wrote up the
17 report was as you heard it from Mr. Jones, but you heard that
18 from somebody else?

19 A. Yes. I didn't hear it directly from Mr. Jones.

20 Q. All right. And then the second thing is, well,
21 do you know a Kristen Steinhoff?

22 A. I do.

23 Q. And how do you know Ms. Steinhoff?

24 A. Um, I just knew her around. You know. One of
25 the girls from around here.

Andrew Ousley

1 Q. Did Ms. Steinhoff tell you anything about an
2 individual -- well, two individuals, named Bill Sero and Tom
3 Stemmerman?

4 A. Yes, she did.

5 Q. What did she tell you about those two
6 individuals?

7 A. Well, actually what the story -- and I didn't get
8 the whole story at one time -- was that she was with those
9 guys in a vehicle that had run that girl over. And I didn't
10 get the whole story on what happened to her after that --

11 Q. All right.

12 A. -- but.

13 Q. So she told you that she's in the vehicle with
14 Bill Sero and Tom Stemmerman, and that they had --

15 A. Yes.

16 Q. -- run over Leah Freeman?

17 A. Yes.

18 Q. And what happened after that, you weren't sure?

19 A. I don't know. I didn't get any more information
20 than that. And -- and I really didn't know if she was just,
21 you know, making it up or what, at the time. Because I -- I
22 don't think she was even 17 years old on that --

23 Q. Okay.

24 A. -- date.

25 Q. And did she give you any indication where this

Andrew Ousley

1 had occurred?

2 A. (sighs.) I thought on the old road here. I
3 believe from -- from town here, the old highway going out.

4 Q. Okay. In the report I had from the officer it
5 said somewhere between 7Eleven and what's called Fast Mart,
6 and Four Corners, which is out in the Fairview area.

7 A. I believe so.

8 Q. Can you recall anything else that Ms. Steinhoff
9 told you about this?

10 A. Um, no, sir.

11 Q. I know it's a long ways from Idaho, and I
12 appreciate your coming here and tell the grand jury this.

13 Is there anything about this case that you know
14 about that you think we ought to know about?

15 A. No, sir. Those are pretty much the only two
16 things, that I know.

17 Q. Had anybody ever told you that --

18 A. And I don't know those guys personally --

19 Q. Okay.

20 A. -- you know. I just barely knew them.

21 Q. So you don't know Tom Stemmerman or you don't
22 know Bill Sero?

23 A. Not personally.

24 Q. And I take it you didn't know Leah Freeman or
25 Nick McGuffin --

Andrew Ousley

1 A. No, I never met her before.

2 Q. Okay. Has anybody told you that they personally
3 were responsible for the death of Leah Freeman?

4 A. No, sir.

5 Q. Has anybody told you they were there or saw what
6 happened or anything like that?

7 A. Well, that was what was implied from Kristen.

8 Q. From Kristen. But outside of Kristen, is there
9 any --

10 A. Oh. No, sir.

11 Q. Okay. Again, I appreciate your coming from
12 Idaho. I don't have anything --

13 A. I don't (indiscernible) --

14 MR. FRASIER: I don't have any other questions to
15 ask him. Does the grand jury want to ask him anything?

16 GRAND JUROR: So she said she was in the car?
17 When those two --

18 THE WITNESS: I believe she had said she was
19 driving.

20 GRAND JUROR: She was driving?

21 THE WITNESS: I -- I believe so.

22 GRAND JUROR: Did she say what kind of a car?

23 THE WITNESS: Um, no. No. I didn't ask any
24 questions. I just was -- I didn't even know if there was any
25 truth to any of it at all.

Andrew Ousley

1 GRAND JUROR: Could this -- when she told you
2 this, this was when?

3 THE WITNESS: Um, this was actually before I even
4 heard that she was missing or --

5 GRAND JUROR: So was that -- at that time, do you
6 know, was it July? August? Do you have --

7 THE WITNESS: I -- I don't remember. It's been a
8 long time ago.

9 GRAND JUROR: And you said you barely knew her?

10 THE WITNESS: Um --

11 GRAND JUROR: What brought you together in this
12 conversation (indiscernible)?

13 THE WITNESS: Um, well, let me think, here. Um,
14 she was friends with my girlfriend. And --

15 GRAND JUROR: Which was who?

16 THE WITNESS: Excuse me?

17 GRAND JUROR: Who was your girlfriend?

18 THE WITNESS: Tamara Criswell (phonetic). And
19 she basically knew a lot of people that I knew. And so I --
20 I had saw her occasionally. Um.

21 GRAND JUROR: And how did that -- how did the
22 conversation come about, do you remember?

23 THE WITNESS: I don't.

24 GRAND JUROR: Did this come up to the police?

25 Did -- at the time of this con -- did you -- with the police,

Andrew Ousley

1 were -- did you have a conversation? Were you questioned
2 and about -- know about this conversation back in 2000?

3 Did you ever tell the police back then?

4 THE WITNESS: No, I didn't.

5 GRAND JUROR: Did Tamara, your girlfriend, ever
6 say anything about it, that she talked about it?

7 They were good friends, you said?

8 THE WITNESS: No. No. Just other than what I
9 knew.

10 GRAND JUROR: Mm-hmm.

11 THE WITNESS: What I just told you.

12 GRAND JUROR: Was your girlfriend there when she
13 said this?

14 THE WITNESS: Um, I don't think so. I don't
15 think she was.

16 BY MR. FRASIER:

17 Q. Are you still with Tamara?

18 A. Oh, no.

19 Q. Okay.

20 A. No, that's --

21 Q. Okay.

22 GRAND JUROR: Do you remember where this took
23 place? And he may have asked, where the actual conversation
24 took place?

25 THE WITNESS: Not really. I mean, I've --

Andrew Ousley

1 because Tamara and I had kind of talked about it back and
2 forth, you know, questioning it between us; thinking, you
3 know, is there any truth to this? Or -- you know. But I
4 don't remember the first time it actually took place.

5 GRAND JUROR: So when she told you that, you were
6 with her without your girlfriend?

7 THE WITNESS: Yes.

8 GRAND JUROR: But you discussed it with your
9 girlfriend, what she had told you?

10 THE WITNESS: I did.

11 GRAND JUROR: And you can't remember why she just
12 confided in you and told you something? I mean, out of the
13 blue? Or --

14 THE WITNESS: She had -- I believe she had said
15 she was worried, you know, fearing for herself over this, or
16 something. And -- and she -- you know, like I said, she was
17 17, and I just kind of talked about it with Tamara, and what
18 we were thinking was this girl just -- you know, just drama,
19 or what? You know. Is she just making stuff up? Because
20 she was pretty young.

21 MR. FRASIER: Any other questions for him?

22 Okay. I think we're done, sir. You're excused.

23 THE WITNESS: Well, I hope I helped someone.

24 MR. FRASIER: We appreciate you coming, sir.

25 Thank you.

Z. Elderkin

1 THE WITNESS: You bet.

2 **TESTIMONY OF ZACK ELDERKIN**

3 (Witness sworn.)

4 BY MR. FRASIER:

5 Q. Sir, this is the grand jury for Coos County, and
6 we're looking into the death of Leah Freeman. It's kind of
7 obvious, but I need to advise you we are recording the
8 proceedings. Okay?

9 First of all, could you tell us your name,
10 please, and where you live.

11 A. Zachary Elderkin, and I live in Rollins, Montana.

12 Q. And how long have you lived in Montana, sir?

13 A. This time, about a year and -- not even a year
14 and a half.

15 Q. Okay. Have you lived in Coos County in the past,
16 sir?

17 A. Yes.

18 Q. When, and how long?

19 A. I spent three years here when I was a teenager,
20 and then I spend probably about a year here, oh, in my
21 mid-twenties.

22 Q. Are you familiar with an individual named Nick
23 McGuffin?

24 A. I don't recall that name.

25 Q. Okay. Leah Freeman, did you ever meet her?

W. Sero

1 GRAND JUROR: Have you head any rumor about, you
2 know, she got run over by a car, or anything like that?

3 THE WITNESS: Oh, I did hear something about
4 maybe she had gotten hit by a car, when they bumped into her
5 when they found her walking on the road or something. I --
6 it's been a long time ago.

7 MR. FRASIER: Okay. Anything else?

8 GRAND JUROR: Do you know anybody that had a Jeep
9 Wagoneer back then?

10 THE WITNESS: No. Not that I can think of.

11 MR. FRASIER: Any other questions?

12 Okay. I think that does it.

13 THE WITNESS: Okay. Thank you.

14 **TESTIMONY OF WILLIAM SERO**

15 (Witness sworn.)

16 BY MR. FRASIER:

17 Q. First of all, could you -- well, let me back up a
18 second.

19 This is the grand jury for Coos County.

20 A. I guess so.

21 Q. And we're looking into the disappearance and
22 death of Leah Freeman.

23 A. Okay.

24 Q. It's obvious, we are recording everything here
25 today. Okay?

W. Sero

1 A. I'm guessing. It's important, yeah.

2 Q. First of all, sir, could you tell us your name
3 and where you live.

4 A. I'm William Robert Sero, Jr., and I live in Port
5 Orchard, Washington.

6 Q. How long have you lived up there in Port
7 Orford -- Port Orchard?

8 A. See, I moved back up there 2002 -- 2003. Going
9 into 2004, right around there.

10 Q. And you used to live here in the Coos County
11 area?

12 A. Yes, sir, I did.

13 Q. How long did you live down here?

14 A. I moved here in '91. I was a sophomore at
15 Marshfield High School. And I lived here until right around
16 when I said I moved up there. '99 in the area here, and then
17 moved to Coos Bay for a couple of years, and then moved up to
18 Port Orchard.

19 Q. Did you ever live in California for a period of
20 time?

21 A. Yes, I did.

22 Q. When and where?

23 A. I lived in -- actually, I lived in Santa Rosa,
24 California. And Cazadero, California.

25 Q. Okay.

W. Sero

1 A. And that was in -- let's see. '95. '94/'95 I
2 logged down there for a logging company called Parmeter
3 Logging. I -- it was seasonal work. I worked there seven
4 months out of the year for three -- actually three years in a
5 row, so.

6 Q. And again, I don't want to try to embarrass you
7 or anything, but you've had some problems with the law?

8 A. Yes, sir, I have.

9 Q. What type of things did you get in trouble for?

10 A. Um, see, I have a -- a Burg charge from back
11 in -- I don't know when it was here.

12 Q. Burglary.

13 A. A burglary. Burg 1. I have a Theft 2. A UUMV,
14 which is taking a motor vehicle. And I have a VUSCA [sic]
15 charge from 2004 or '5 I think. It's a -- it's actually,
16 what it is, it's a possession of controlled substance in
17 Washington. They call it -- it's called a VUSCA.

18 And that pretty much sums it up, that I was on.

19 Q. All right. And were you a methamphetamine user?

20 A. Yes, sir, I was.

21 Q. Are you now?

22 A. No, sir.

23 Q. You got yourself clean?

24 A. Yes.

25 Q. All right.

W. Sero

1 A. Have a good job.

2 Q. When you lived here in the Coos County area, did
3 you know a person named Nick McGuffin?

4 A. Um, briefly, yes, sir.

5 Q. How did you know Nick?

6 A. He was a friend of my girlfriend's little
7 brother.

8 Q. And who was your girlfriend?

9 A. Erika Davidson.

10 Q. And her little brother was?

11 A. Ryan Davidson.

12 Q. Ryan Davidson.

13 A. Yes, that's --

14 Q. So that's how you knew Nick?

15 A. Yes. They went to school together. They
16 graduated the same -- same year.

17 Q. Did you spend much time with Nick or anything
18 like that?

19 A. No, sir, I didn't.

20 Q. Now, were -- did you ever meet or know Leah
21 Freeman?

22 A. Um, briefly I met her at Danny Lapine's house
23 here in Coquille. She was sitting in their vehicle outside
24 the house, which was -- I believe it was Nick's vehicle.
25 Once I met her then, and then again I seen her in the vehicle

W. Sero

1 also, so it was some time after that.

2 Q. Did you have an opportunity to see -- well, let
3 me back up.

4 Were you made aware that Nick and Leah were
5 boyfriend/girlfriend?

6 A. Yes, sir.

7 Q. Did you have an opportunity to see how well they
8 got along?

9 A. To my knowledge they didn't get along very well.
10 I had heard there was one incident where one of his friends,
11 I'm not sure if it was Daniel or it might have been Ryan,
12 they had gotten in an altercation or a fight, and I wasn't
13 there, so I can't really comment on that. But that's all I
14 know to my knowledge, that -- I know that they -- he used
15 to -- she wasn't allowed to get out of the car. I know that.

16 Q. Okay. He appeared to be very controlling of her?

17 A. Yes, sir.

18 Q. Now, you indicated your girlfriend at the time
19 was Erika Davidson?

20 A. Yes, sir.

21 Q. And you actually have a child with her?

22 A. Two.

23 Q. Two children.

24 A. Yes.

25 Q. Did you -- you and Erika, did you live together

W. Sero

1 here in Coquille?

2 A. Yes, we did.

3 Q. In the year 2000, the year Leah disappeared?

4 A. Um, we had actually -- we were just moving out of
5 a place up -- I'm not sure what the address is sir, sir, so I
6 can't really tell you. But yeah, we lived here in Coquille.
7 From when my son was born in '99, to 2000, we -- we stayed in
8 the area. We got in a -- a house up here on the hill. And
9 we had an apartment just -- I don't know if it's west of town
10 or --

11 Q. Sanford Heights area?

12 A. Um, yeah. Right across, down from the old A&W.
13 And you take a left. I don't -- like I said, I don't know
14 the address right off the top of my head, so.

15 Q. All right.

16 Do you know a guy named Tom Stemmerman?

17 A. Yes, sir, I do.

18 Q. How did you know Tom?

19 A. I went to school with him.

20 Q. All right. Mr. Sero, I think -- well, you're
21 pretty much aware why we brought -- asked you to come down
22 here today.

23 A. Yes, I do.

24 Q. You're aware that there is rumor been floating
25 around here in town that you and Tom had something to do with

W. Sero

1 Leah Freeman's death, or you alone or Tom alone, or somebody.

2 A. Yes.

3 Q. Your name and Tom's name, and Alicia Michaud.

4 Did you know Alicia Michaud?

5 A. Yes, sir, I do know Alicia.

6 Q. That you three were somehow either together or
7 individually involved in her death.

8 What do you know about Leah Freeman's death?

9 A. I don't know anything about it. Not at all.

10 I -- I know the allegations were going around at
11 the time, and they were shot up in the air a few times. And,
12 you know, I -- I really can't comment on it because I don't
13 know anything about it. Not a -- I mean, myself or if
14 they -- they do, I don't -- I have no idea. I don't know why
15 that was said or why somebody threw me under the bus, but
16 that's -- yeah. Not -- not to my knowledge.

17 Q. Have you ever told anybody that you were involved
18 in Leah Freeman's death?

19 A. No, sir.

20 Q. Do you have a rough idea in your mind the night
21 that Leah disappeared, when that was?

22 A. Now, is this before she did, or after -- well, at
23 the time when it happened, I ran -- I can tell you this much.
24 I ran into Nick and the only reason why I know that she had
25 disappeared, quote/unquote, was he had mentioned it to me.

W. Sero

1 And I guess -- I mean, everybody knew, because of it was
2 going around town, but -- and I can't give you the exact
3 date, but he had mentioned it to me at one point in time,
4 that she was missing, and that -- I mean, I guess that it was
5 the day after supposedly when she came up missing, which like
6 I said, I don't know the exact date to -- to this day, but I
7 mean, at the time he had mentioned it to me. But other than
8 that, I don't -- you know.

9 Q. Did you ever go get in a car with him and go look
10 for her?

11 A. No, sir.

12 Q. You know, because we've heard some testimony
13 about -- I think maybe it was Alicia Michaud that told us
14 this, or somebody else, that the day after she went missing
15 that -- maybe it wasn't Alicia. Maybe it was -- well, never
16 mind. But that you had indicated or that Nick had indicated
17 that you had been in the car with Erika and Nick was driving
18 down the road and stopped. And you got out of the car from
19 with Erika, and went up and got in the car with Nick, and
20 then drove around town looking for her.

21 A. No, actually what had happened, um, I was -- me
22 and Erika had got in an argument at my house -- at our
23 apartment, because she never came home that night.
24 Supposedly that Erika -- or I mean Leah came up missing. I
25 had walked to the store because we got in an argument. I was

W. Sero

1 going to go get stuff for breakfast. And in between Sanford
2 Heights and the 7Eleven, Nick was driving past me and he had
3 turned around and came back and asked me if I'd seen Leah,
4 now. That's -- that's exactly what went on.

5 And I'm all, No, I haven't. I said, Why? And he
6 said, Well, I think she's missing. And I was like, Well,
7 that's kind of strange, and how do you know this? And he
8 goes, Well, I seen her last night. And he was all, Well, do
9 you want to get in the car? And I said, Well, yeah, sure,
10 you can give me a ride to McKay's.

11 And I hopped in the car with him and he actually
12 drove me up the street to -- I don't know. We went by
13 McKay's and then he went up the Danny Lapine's house and I
14 actually got out of the car at Danny Lapine's house and
15 walked back down to McKay's.

16 Q. Okay.

17 A. And he just talked to me the whole time, and that
18 was that. He actually asked me at that time if I knew where
19 to pick up any marijuana, and that's what he wanted.

20 This is all -- those other -- the police reports
21 have all this stuff. I don't know if you've seen them, but
22 that's what happened. And that's what -- that's where you
23 would actually get somebody saying that I had been in his
24 vehicle. And that was the first and last time that I'd ever
25 been in his vehicle, was that one time.

W. Sero

1 Q. And what car -- kind of car was it?

2 A. It was a Mustang. '78, I think, or something
3 like that.

4 Q. And where did he pick you up?

5 A. Um, he picked me up -- you know where the -- the
6 turn to LaVerne -- is that LaVerne park?

7 Q. Right.

8 A. Right there. I was walking towards --

9 Q. You were on Central, the main drag there, down --

10 A. Yes. Yes, sir. Yeah.

11 Q. And he picks you up there. Just -- you're just
12 past the high school, then?

13 A. Yeah, just past -- right down there where it goes
14 into that little valley and comes back up the little hill
15 there.

16 Q. Okay.

17 A. Yeah.

18 Q. And so he drove you to McKay's, then you went up
19 to Lapines' --

20 A. Well, we didn't even stop at McKay's. He was
21 going to -- and then he made the turn there and he went to
22 Danny Lapine's. He used -- I don't know where I'm at right
23 here, but it was right over here by the -- the park, and up
24 behind.

25 Q. I have it.

W. Sero

1 A. Yeah. I don't know if you have all that
2 information, but yeah. Um, yeah, that's where we went. And
3 I got out of his vehicle there and I walked down to McKay's.

4 Q. When you're riding with Nick that day, what is he
5 talking about? What is he asking you?

6 A. Oh, he wasn't asking me anything. He was telling
7 me that his girlfriend was missing. He wasn't asking me
8 anything.

9 Q. Okay.

10 A. He says, I know she's missing. Something's
11 wrong. She would have called me by now. And he just went on
12 and on. And that was -- that was it.

13 Q. Now, you said he tried to score some dope from
14 you or something?

15 A. That's -- no, he asked me if I knew where to get
16 any weed at.

17 Q. Okay.

18 A. So, yeah, I don't know why he even -- you know,
19 at the time, to me, to -- to this day, I don't know why he
20 just asked me that.

21 Q. Okay.

22 A. You know, I'm not sure.

23 Q. How well did you and Nick get along?

24 A. Me and Nick?

25 Q. Yeah.

W. Sero

1 A. Um, like I said, I've only met him briefly a few
2 times from -- from my little brother -- or Erika's little
3 brother. But I can't say that we had a relationship, really.
4 Just, you know, a Hi and a, Hey, how you doing, or whatever.
5 He'd come down and play basketball at Fifth Street park once
6 in a while with a few of his friends because he had a friend
7 that lived across the street from there. But, you know, that
8 would be the only time that I really ever said, you know,
9 Hey, what's going on, would be then. And then that day that
10 he picked me up.

11 So I don't -- you know, he knew that I was
12 Erika's boyfriend, and he was friends with Ryan, so.

13 Q. Later on that day -- well, Alicia Michaud, you
14 indicated you knew Alicia Michaud.

15 A. Yes.

16 Q. Did -- were you ever with Alicia Michaud over at
17 Danny Lapine's place?

18 A. Yeah, I believe I was over there one night. We
19 was just talking about this the other day, me and the
20 officers. Yeah, I had watched a movie over there with her at
21 one point in time. I don't remember exactly when it was, but
22 it was -- yeah.

23 Q. And was it in -- was -- did Alicia -- was there
24 some -- well, did Nick show up while you're watching this
25 movie?

W. Sero

1 A. Mm, I can't -- I really can't comment on that. I
2 had been drinking, so I'm not sure. I can't really say that
3 he did or didn't.

4 Q. How did Alicia behave that night, do you recall?

5 A. Fine.

6 Q. We've heard that -- testimony that at this --
7 where you're watching a movie, Alicia's there, Danny Lapine's
8 there, and his girlfriend's there. And you're watching a
9 movie. About 45 minutes into it or so, then Nick McGuffin
10 shows up and he talks about Leah being missing and that you
11 asked him what the -- that what did Leah look like. And he
12 said something about blonde hair, petite, big boobs.

13 Do you recall that at all?

14 A. Uh, it doesn't ring a bell. I mean, the officers
15 asked me the same thing. I don't -- like -- to my -- to my
16 knowledge, no, it doesn't. It doesn't. Not at all.

17 Q. And that Alicia got upset, ran outside, was
18 crying. And that you had gone outside and comforted her and
19 brought her back in.

20 A. Well, at that point in time we had actually left
21 and she got pulled over for running a stop sign, and I got
22 arrested, actually.

23 Q. Okay.

24 A. So -- because I had a DOC warrant.

25 Q. Department of Corrections warrant?

W. Sero

1 A. Yes.

2 Q. You got a parole hold or probation violation.

3 A. It was a probation violation, is what it was.

4 A parole violation, yeah.

5 Q. Okay. Mr. Sero, at the time that this was going
6 on, I guess what I'm trying to -- I'm trying to figure out
7 why people would want to run around and say you were involved
8 in the death of Leah Freeman?

9 A. I have no idea. I'm still trying to figure that
10 out. I am. I don't -- you know. I did -- I didn't barely
11 know her, didn't hang out with those -- those group. They
12 were a lot younger than me. I hung out with Daniel and
13 Alicia -- Alicia that night.

14 You know, it was just something that happ -- you
15 know, she's like, Hey, you want to come watch a movie or
16 whatever? I think she had just gotten her license
17 (indiscernible). You know, and all -- she had her dad's BMW.
18 You know, I said, Yeah, whatever.

19 And we went and watched a movie for a little
20 while, and then she ended up taking me -- well, actually,
21 like I said, I got -- got arrested and went to jail.

22 But other than that, I don't -- I don't know.
23 Still to this day I'm trying to figure out why somebody threw
24 me under the bus, and allegations were made and fingers were
25 pointed, you know.

W. Sero

1 Q. Okay. What I'd like to ask you about now is we
2 heard some testimony -- well, do you know -- you probably do.
3 I just want to -- I think her name was Haga.

4 A. Say again?

5 Q. Angela Haga, I believe her name was.

6 A. Angela Haga.

7 Q. Yeah.

8 A. Yeah.

9 Q. Be her, and her husband --

10 A. Tim.

11 Q. Yeah, Tim.

12 A. Yeah. I -- I worked for his dad, actually. I
13 logged with his -- his father.

14 Q. Did you guys, you know, baby-sit back and forth?
15 You know, somebody want to have a night out and you'd watch
16 their kids?

17 A. Yes, sir. Yeah.

18 Q. And vice versa?

19 A. Most definitely, yeah.

20 Q. Okay. Angela tells us that she thinks the night
21 that Leah Freeman disappeared was a night that Erika and you
22 watched their kids. Does that ring any bells with you?

23 A. Uh, it was around the same time. We was -- yeah.
24 It was -- it was with -- like I said, you know, the dates.
25 It -- the only reason why I know what I was doing around that

W. Sero

1 time, because it was big deal around time -- around the town
2 that Leah had came up missing. And so there was these things
3 going on with me and Erika, where we actually -- we were
4 trying to work our relationship out. We were fighting and
5 stuff like that. And she was working at the Mill Casino and
6 she was working weird hours, weird shifts, and getting home
7 later.

8 And so Angela had actually watched our -- our
9 kids at the time. And, you know, it was this -- she was
10 trying to help us out so we could work our relationship out.
11 But I don't -- that night I actually had our kids at the --
12 at the house, at our apartment, until, I don't know, 9:30 or
13 10:00.

14 Q. Okay.

15 A. And --

16 Q. Well, what I'm trying to figure out, where were
17 you that night, that we can prove where you were that night.

18 A. Yeah, well, I was at home. And you can --
19 actually, Ruth Ann Clausen knows that I was at home, also. I
20 don't know if you guys got that information or not, but --

21 Q. Who?

22 A. Ruth Ann Clausen. That's Erika's mother.

23 Q. Ruth Ann Clausen?

24 A. Yes. She came and picked her -- I don't know. I
25 mean --

W. Sero

1 Q. Picked up the --

2 A. The kids, about nine -- I was thinking 9:30 or
3 10:00 that night. Maybe a -- maybe a little later, because
4 Erika's shift got over at 10:00, so.

5 Q. Okay. I think I'm going to have to correct you
6 then, because we've got Erika's work records for that night.

7 A. Okay.

8 Q. On June 28th, the day that Leah disappeared,
9 Erika was not working that day.

10 A. Oh, she wasn't working?

11 Q. No.

12 A. But I did have the kids at the house, though.
13 She was not at -- she was not at home. And like I say, we
14 were -- we were trying to work our relationship out.

15 Q. Okay. Angela Haga says that she left her kids
16 there with you and Erika that night so they could -- they
17 could go out.

18 A. Yeah. Well, that would have been earlier in the
19 day, maybe, but I ended up with the kids and Ruth Ann came
20 and picked them up from me.

21 Q. Ruth Ann did?

22 A. That's -- yes. That's -- that's the truth.

23 Q. All right.

24 A. She was gone. See, I thought she was working a
25 shift there at the casino. She had lied to me then, because

W. Sero

1 that's where -- to my knowledge she was at work.

2 Q. Okay. And after Ruth Ann came and got the
3 kids --

4 A. Mm-hmm.

5 Q. What happened then? What did you do that night?

6 A. Um, I was -- basically I was at the house -- um,
7 and I was by myself, and then I actually went over to the
8 neighbor's house for a little while and watched some movies
9 and drank some beer over there, probably till about 1:30 or
10 2:00 or something. One o'clock in the morning, or something
11 like that. And then --

12 Q. Did you invite somebody to go smoke some
13 marijuana with you?

14 A. I did -- I did -- actually, you know, I don't
15 recall doing that, but I -- I was partying, so I may have
16 because I -- at that point in time I think I did have some
17 marijuana on me, and that probably -- I mean, that was --
18 that's the truth, yeah.

19 But it was -- see, how it got confused, because
20 there was a -- there was another neighbor that Erika was
21 friends with, that I didn't get along with, and there was a
22 neighbor that lived right in the same complex as us. Because
23 there was another one on the other side of the fence. I
24 think it's low income or low housing or whatever it is there.
25 I was over there probably till about 1:30 or 2:00. One

W. Sero

1 o'clock in the morning, I think, and then I went home and
2 went to bed.

3 And Erika came home probably about -- I think
4 about 8:30 is when I walked to the store, right around there.
5 So.

6 Q. I guess -- well, Mr. Sero, let me ask you this.
7 Again, I'm not trying to embarrass you or anything. We're
8 just trying to figure out what's going on here.

9 At the time that this was going on, did -- you
10 were involved in drugs; and it would be safe to say meth?

11 A. Yeah, I was working at that time too, but I was.
12 Yeah, I was.

13 Q. Okay. And did you have a reputation of being a
14 mean guy?

15 A. Um, it -- yeah, it was said that I was. I mean,
16 not -- not -- I just didn't go around with a chip on my
17 shoulder all the time or anything like that, but, you know, I
18 didn't --

19 Q. Did you ever --

20 A. I didn't snap on people or anything like that.
21 You know, I didn't --

22 Q. Okay. Did you beat anybody up? Get in fights?

23 A. Um, I've got -- I've gotten in a couple fights.
24 Yeah, I did get in a couple of fights over the years.

25 Q. Did your relationship with Erika -- and, you

W. Sero

1 know, we're talking ten years ago --

2 A. Yeah.

3 Q. -- so the statute of limitations has run, so you
4 don't need to worry about getting in trouble.

5 A. Oh, yeah, I understand.

6 Q. But did you and Erika, did you ever hit her or
7 she hit you?

8 A. She hit me. We had some -- there was a domestic
9 dispute that had actually happened. She was -- she was
10 violent. And she did -- you know, I mean, I just-- I didn't
11 I never hit her. I never put my hands on her or anything. I
12 protected myself mostly.

13 I remember one time I had to actually bring her
14 out to her mom's house because she was just acting crazy and
15 she tried to -- she -- I don't know. She punched me on my
16 mouth and then gave me a bloody nose at the same time, and
17 that -- you know, her mom was -- met me in between and took
18 her out -- took her out of the house, and took the kids out
19 to her house. But that -- it's all on record. That was
20 actually -- that was actually out in Myrtle Point, is were
21 that was at. When I lived in Myrtle Point. And there was
22 cops -- I went and talked to them, though, because I
23 didn't --

24 Q. Right.

25 A. It was something that needed to be, you know,

W. Sero

1 taken -- to address before it got out of hand.

2 Q. Right. Now, at some point in time you were
3 living with some people, I want to say Rocky Pierce --

4 A. Rocky Pierce, yes, and Deb -- and Debbie Pierce,
5 that's his wife.

6 Q. And that would have been in early August of 2000?

7 A. Oh, something like that, yeah. That's after she
8 moved out -- after we moved out of the apartment, yeah, I
9 didn't have a place to live and they -- they said I could
10 stay. I was logging, and working actually at the time. And
11 I was -- had my stuff there, and I would shower and change
12 and stuff like that, and was trying to, you know, get back on
13 my feet and get my own place.

14 Q. Then the police were looking for you again. I
15 mean, you talked about how you'd been at Danny Lapine's place
16 with Alicia Michaud --

17 A. Yes.

18 Q. -- and you were on your way home, she ran a stop
19 sign, warrant popped up for you, you went to jail.

20 A. Yes.

21 Q. How long were you in jail?

22 A. I did a drop. I'd only have to spend -- that's
23 ten -- ten days or --

24 Q. Okay. So you're --

25 A. Maybe -- I can't be sure, because it's been so

W. Sero

1 long. But --

2 Q. But once you got out, that would have been
3 sometime in July?

4 A. You -- yeah, something like that, I believe. I
5 believe.

6 Q. Right.

7 A. Like I said, I'm not --

8 Q. And then you moved in with Rocky Pierce over in
9 Myrtle Point?

10 A. Yes, sir.

11 Q. And then again the Department of Corrections were
12 looking for you again; is that right?

13 A. Yeah. Yes.

14 Q. You violated your probation again somehow, in
15 some way?

16 A. Yes, sir. Yep.

17 Q. And so the police were looking for you and they
18 went over to Rocky's place?

19 A. Yes, they did.

20 Q. And you had a bunch of property there?

21 A. They took some of my property over there. Yes,
22 they did.

23 Q. They had a bunch of clothes there?

24 A. Yes.

25 Q. And we've heard something about some bloody

W. Sero

1 clothing that got left at Tom Stemmerman's place?

2 A. Yeah.

3 Q. Okay. Why don't you tell us about the clothing
4 that ended up at Tom Stemmerman's place.

5 A. Um, actually, we were just talking about that. I
6 was with the officers out there. There was -- I don't know
7 what the clothes are or where they came from, but to this
8 day, what the police officers have told to me, that's never
9 been proven to be blood. It could be rust or whatever, but
10 they did test. I believe is what they said, they're not
11 sure. But -- because I asked about my property today. They
12 took some -- they took some caulk boots, brand-new boots that
13 I used for logging and had worn maybe for two weeks. And a
14 Nike fleece that my daughter had gotten me for my birthday at
15 the time, and a few other things. And I don't -- I don't
16 know where the clothes came from or what, you know, because
17 they asked me to find --

18 Q. Okay. How did you come to put clothes out at Tom
19 Stemmerman's?

20 A. I never -- that's what I'm saying. I never
21 brought anything over there. I don't know why he'd say that
22 they're mine or how they got those clothes. Because at the
23 time I wasn't even staying at Tom's house. Erika had some of
24 her possessions stored there in a -- a fifth-wheel. And I
25 don't know. I have no idea.

W. Sero

1 Q. And when you say Erika had some things stored out
2 there at Stemmerman's place --

3 A. Yes. It was a -- it was actually not a
4 fifth-wheel but a trailer.

5 Q. A trailer?

6 A. Yes.

7 Q. All right. Do you know how those things got out
8 there?

9 A. I believe -- I know one time I made a trip out
10 there with a friend of mine. I'm not even sure who we went
11 with. We brought some stuff out there for her. But her and
12 Tom were friends also, so she had brought stuff out there via
13 Tom's house.

14 Q. But you helped her take some stuff?

15 A. At one point I brought some -- like my daughter's
16 stuffed animals and stuff like that, we had brought out
17 there. She had a whole Winnie-the-Pooh set, and we brought
18 that stuff out there.

19 Q. No, you got arrested the second time that summer,
20 you were over at -- in Bandon. Is that right?

21 A. Yeah, I got arrested at gunpoint at the
22 restaurant up there. Yes.

23 Q. At the Inn at Face Rock?

24 A. Yes.

25 Q. And you were brought back over here to jail?

W. Sero

1 A. Yes.

2 Q. One of the TV stations, I forget which one it
3 was --

4 A. KCBY. It was Channel 11 at the time.

5 Q. -- put out that you'd been arrested for --

6 A. For murder of Leah Freeman, yeah.

7 Q. And you had not been arrested for the murder of
8 Leah Freeman?

9 A. No, sir, I wasn't. No.

10 Q. In fact, you filed a lawsuit or threatened to
11 file a lawsuit?

12 A. Yes. No, I did file a lawsuit.

13 Q. And for defamation of character?

14 A. Yes, sir.

15 Q. And did they end up paying you money?

16 A. Yes, they did.

17 Q. So you won your lawsuit?

18 A. Yes, I did.

19 Q. Now, the police came and talked to you about the
20 clothing or whatever they had taken from --

21 A. They actually never have talked to me.

22 Q. Okay. Officer -- I think it was a detective came
23 to you in jail, said, Hey, can we take -- can we analyze the
24 clothes?

25 A. Yeah. Yeah.

W. Sero

1 Q. And you gave them permission to do it?

2 A. Yes, sir, I did. Yes.

3 Q. And you gave them permission to take whatever
4 there was out --

5 A. Whatever -- exactly. Yeah.

6 Q. -- at the Stemmerman place?

7 A. Yes, sir.

8 Q. And if I understand you correctly -- again, I'm
9 not trying to put words in your mouth, but when the police
10 came and asked if you could -- if they could look at the
11 clothes, both at Rocky Pierce's and at the Stemmerman place,
12 you had nothing to hide?

13 A. Exactly, yeah.

14 Q. And so you gave them permission to do that?

15 A. Well, they had already done it. They had already
16 taken the stuff. They never asked me, before they did it.

17 Q. All right. But you gave them permission to
18 search it and --

19 A. So there's a difference. It was -- I never gave
20 them permission to take my stuff.

21 Q. Okay.

22 A. I want to clarify that right now, because I -- at
23 the time I was upset about it because I wasn't there and they
24 took stuff at our -- already, and then they tried to give me
25 a receipt after the fact and asked me if they could have

W. Sero

1 permission to take -- they had already had the stuff. If
2 they wanted to --

3 Q. The stuff from Rocky Pierce's house.

4 A. And -- yes, and from Tom Stemmerman's house.

5 Q. Okay.

6 A. I think. I don't know, because they -- to this
7 day, when I ask questions about it, they get mad. So --

8 Q. Well, if I were to tell you they did have the
9 stuff from Rocky Pierce --

10 A. Yeah.

11 Q. Okay. And -- but the stuff at Stemmerman's they
12 didn't have and waited till they talked to you. Does that
13 sound about right?

14 A. It could be, but at the time I was upset about
15 the situation because they had already taken some stuff and
16 they didn't -- they never -- you know, which is -- it's
17 oke -- it is what it is. They're going to do what they want
18 to do. But yeah, I did give them permission.

19 Q. Right. Okay. Now, when I guess -- you know,
20 I've kind of been hedging around this, so I'm just going to
21 flat-out ask you.

22 Did you have anything to do with the death of
23 Leah Freeman?

24 A. No, sir.

25 Q. Has anybody told you that they personally have

W. Sero

1 been involved in the death of Leah Freeman?

2 A. No.

3 Q. Have you ever told someone that you were involved
4 in the death of Leah Freeman?

5 A. No, sir.

6 Q. Has anyone told you that they were a witness to
7 what happened to Leah Freeman?

8 A. No. Huh-uh.

9 Q. Do you have -- I think I've asked you this, but
10 I'll ask it again. Do you have any knowledge of yourself
11 what happened to her?

12 A. No, sir.

13 Q. Is there anything about this case that you --
14 other than what we've talked about already, that you think we
15 need to know about?

16 A. Well, I can say this much. I know when Nick
17 picked me up that day, I -- to my knowledge, since I'm a meth
18 user, he was high on methamphetamine or some type of -- was
19 sweating really bad, he was perspiring. He had his shirt
20 off. He was just -- yeah. He wasn't -- he wasn't acting
21 like somebody that was able to make an important decision of
22 any type. He shouldn't have been driving on the road,
23 shouldn't have been doing whatever it was that --

24 Q. Is there anybody out there that you are aware of
25 that would be so ticked off at you that they'd be spreading

W. Sero

1 the rumor around that you killed Leah Freeman?

2 A. No, sir. I've been trying to figure that out for
3 however long it's been going on now, you know. Ten years.
4 However long it is.

5 Q. Did you have any reason to see Leah Freeman dead?

6 A. No, sir.

7 MR. FRASIER: I think that's all the questions I
8 have for Mr. Sero. Does the grand jury want to ask any?

9 GRAND JUROR: I do.

10 Did you know anybody that had a Jeep Wagoneer?

11 THE WITNESS: No, huh-uh.

12 MR. FRASIER: Any other questions?

13 GRAND JUROR: What color was Alicia's dad's BMW?
14 Do you remember?

15 THE WITNESS: I believe it was a little red car.
16 I think it's red, I believe.

17 GRAND JUROR: Erika -- do you know where
18 Erika's --

19 THE WITNESS: I'm trying to help you guys out. I
20 really am.

21 GRAND JUROR: Yeah.

22 THE WITNESS: She's up there in Washington, but I
23 don't -- we don't really get along right now because she's
24 still using. She's in active addiction right now, and I'm --
25 you know, I'm always going to be in recovery and doing what

W. Sero

1 I'm doing. But I'm -- I've just talked to these guys out
2 there, and I'm going to try to give her the money to get on a
3 bus to come here.

4 BY MR. FRASIER:

5 Q. Because I really would like her to --

6 A. Yeah, I know that. I know. And we tried to get
7 ahold of her before we came down here, but she couldn't --
8 she couldn't ride with me because my girlfriend and her don't
9 really get along. So -- but, I mean, I'm willing to pay the
10 bus fare and everything for her to come down here.

11 Q. Well, I'll pay for the bus fare.

12 A. Oh, I understand that. But, I mean, if that's an
13 excuse, she can't use it, because my mom -- my mom and I will
14 help her. But we gave an address -- or not an address but
15 her number, and she was staying with my sister, but she's
16 not -- she's not now. They got in an argument, so.

17 Q. Okay. Well, I appreciate that. But if you find
18 out where she's at, I -- we really need to --

19 A. Yeah, I'm going to contact them and let them
20 know.

21 Q. Okay. Any other questions?

22 A. And if I can get an address for you, I will get
23 the address in.

24 Q. Yeah, that's what I'd really like, is an address.

25 A. Yeah, I know. I know.

K. Steinhoff

1 MR. FRASIER: Okay. Any other questions? Okay.
2 I think that will do it.

3 THE WITNESS: All right. Thanks, Paul.

4 MR. FRASIER: Thank you. You're excused.

5 **TESTIMONY OF KRISTEN STEINHOFF**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. Okay. First of all, this is the grand jury for
9 Coos County, and we are looking into the disappearance and
10 death of Leah Freeman. I have to advise you that we're
11 recording the proceedings here today. You understand that?

12 A. Mm-hmm.

13 Q. Okay?

14 First of all, could you tell us your name,
15 please, and where you live.

16 A. Kristen Steinhoff. I live in North Bend.

17 Q. And how old are you?

18 A. 28.

19 Q. And have you lived here in Coquille?

20 A. Yes.

21 Q. And did you go to school here in Coquille?

22 A. Yes.

23 Q. Did you graduate from high school?

24 A. No.

25 Q. Do you know an individual named Nick McGuffin?

K. Steinhoff

1 MR. FRASIER: Okay. Any other questions? Okay.
2 I think that will do it.

3 THE WITNESS: All right. Thanks, Paul.

4 MR. FRASIER: Thank you. You're excused.

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10 death of Leah Freeman. I have to advise you that we're
11 recording the proceedings here today. You understand that?

12 A. Mm-hmm.

13 Q. Okay?

14 First of all, could you tell us your name,
15 please, and where you live.

16 A. Kristen Steinhoff. I live in North Bend.

17 Q. And how old are you?

18 A. 28.

19 Q. And have you lived here in Coquille?

20 A. Yes.

21 Q. And did you go to school here in Coquille?

22 A. Yes.

23 Q. Did you graduate from high school?

24 A. No.

25 Q. Do you know an individual named Nick McGuffin?

K. Steinhoff

98

1 A. Yes.

2 Q. How long have you known Mr. McGuffin?

3 A. Mm, since I was a freshman in high school.

4 Q. Are you the same age as Nick McGuffin?

5 A. No.

6 Q. Is he older than you?

7 A. Yeah.

8 Q. How much older?

9 A. I think he's a couple of years older than me.

10 Q. All right. Did you know Leah Freeman?

11 A. No.

12 Q. Did you ever meet her?

13 A. No.

14 Q. Were you aware of a relationship between Nick
15 McGuffin and Leah Freeman?

16 A. Yeah.

17 Q. How did you know about this relationship?

18 A. Nick always talked about her.

19 Q. In the summer of 2000, where were you living
20 then?

21 A. On Dean Street, at my grandma's.

22 Q. And who else was living there, besides your
23 grandmother?

24 A. Um, I think my mom was living there too.

25 Q. Your mother is Heather McMullen?

K. Steinhoff

1 A. Yeah.

2 Q. All right. What I'd like to start off with is --
3 I guess I want to start off with the events of June 28th,
4 2000. That's the day that Leah Freeman disappeared. Were
5 you at the Dean Street house that day?

6 A. Yeah.

7 Q. How -- were you there all day?

8 A. No.

9 Q. Why don't you tell us about your day. What do
10 you remember about that day?

11 A. Um, did a lot of drugs then.

12 Q. What kind of drugs did --

13 A. Meth. So I don't remember exactly what I did
14 that day, but I probably just drove around and hung out with
15 friends that day.

16 Q. What kind of car did you have?

17 A. A Hyundai Elantra.

18 Q. What color was it?

19 A. Purple.

20 Q. There's various shades of purple. Kind of a
21 light purple? Dark purple?

22 A. Yeah, light purple, silver-ish color.

23 Q. And how long have you had that car? How long did
24 you have that car?

25 A. Since I was 16.

K. Steinhoff

1 Q. Did you have problems with that car?

2 A. Yeah, the transmission or something in it was
3 messed up.

4 Q. Now, on June 28th of 2000, did you know or were
5 you acquainted with an individual named Zack, Zack Elderkin?

6 A. Yeah, he was my mom's friend.

7 Q. Was he there at the house that day?

8 A. Yeah.

9 Q. And what type of car was he driving?

10 A. A purple Kia.

11 Q. Did you ask to borrow his car?

12 A. Yeah.

13 Q. Why did you borrow his car?

14 A. So I could drive around and go out to one of my
15 friend's house.

16 Q. What was wrong with your car?

17 A. The transmission.

18 Q. In the early evening hours, where were you? Were
19 you at your mom's house, or your grandmother's house?

20 A. Mm-hmm. Yeah.

21 Q. Yes or no?

22 A. Yes.

23 Q. Okay. Did you go anyplace? I mean, drive your
24 car, drive your Hyundai anywhere or anything like that that
25 day?

K. Steinhoff

1 A. I can't remember. I'm not sure. I don't know.
2 If I did, it wouldn't have been too far because it was really
3 messed up.

4 Q. All right. Now, Mr. Elderkin agrees to loan you
5 his car. Is that right?

6 A. Mm-hmm.

7 Q. And did he have some conditions about when you
8 could -- you had to have the car back?

9 A. Yeah, it was like 6:00 in the morning because he
10 had to go to Eugene or something.

11 Q. So what did you do? Did you have to take
12 Mr. Elderkin home so you could borrow the car?

13 A. Yeah.

14 Q. Where did you take him?

15 A. Um, he lived on high -- the highway. I don't
16 remember the road.

17 Q. Were you driving out towards Coos Bay?

18 A. Yeah.

19 Q. Did you turn off --

20 A. It was right before the big corner by Green Acres
21 store.

22 Q. Okay. So you turned off there and dropped him
23 off at some house there?

24 A. Mm-hmm. Mm-hmm.

25 Q. Did you pick anybody up at that house?

K. Steinhoff

1 A. No.

2 Q. Did you -- when you drove Mr. Elderkin home, who
3 all was in the car?

4 A. Me and him and I think his daughter was in the
5 back seat.

6 Q. Do you know an individual named Bill Sero?

7 A. Yeah.

8 Q. Was Mr. Sero in the car?

9 A. No.

10 Q. Do you know a lady named Sarah Noah?

11 A. Yeah.

12 Q. Sarah tells us that Bill was in the car that day.
13 Was there ever a time that you were in your car and you went
14 out there and Sero was in your car?

15 A. (Pause.) No, I think that he was at my grandma's
16 house earlier that day and I had given him a ride to his
17 house.

18 Q. Okay.

19 A. But I'm not sure if that's the same day or not.

20 Q. You'd given Sero a ride in your car?

21 A. Yeah, mm-hmm.

22 Q. In your Hyundai?

23 A. Yeah.

24 Q. When you're driving out to -- towards Green
25 Acres, do you see Nick McGuffin?

K. Steinhoff

1 A. Yeah.

2 Q. Can you tell us where you saw Mr. McGuffin?

3 A. At that old Econo-Rooter place.

4 Q. At the time it was the Maytag?

5 A. Yeah.

6 Q. All right. What happened when you saw Nick at
7 the Econo-Rooter place or the Maytag place?

8 A. He was walking in circles saying he couldn't find
9 Leah.

10 Q. Did you stop and talk with him?

11 A. Yeah, because he was acting really weird. There
12 was no car, nobody there with him. It was just him walking
13 in circles in the dark saying he couldn't find Leah.

14 Q. Did he say anything else about Leah?

15 A. No, he just said he couldn't find her.

16 Q. Did he say anything like, I hope she wasn't doing
17 anything stupid?

18 A. I can't remember.

19 Q. You can't?

20 Did Nick -- well, did he confide -- did he come
21 and see you on the -- I'm just going to ask in general. Nick
22 had several girlfriends in his past, right?

23 A. I think so.

24 Q. And when things were going bad between him and
25 his girlfriends, would he come and talk to you about them

K. Steinhoff

1 then?

2 A. No.

3 Q. I have a tape-recorded interview of you with
4 Officer Lee. Do you recall talking to him at the park here
5 in 2000?

6 A. Kinda.

7 Q. In September 2000?

8 And in that recorded interview, you told him that
9 Nick had come to you several times in the past when things
10 weren't working out with Freeman or his other girlfriends.

11 A. I only remember -- I only knew one of his
12 girlfriends recently -- well, from that time it was Megan
13 Pinkley (phonetic). And she was my best friend, but I don't
14 really remember him having a lot of girlfriends. I remember
15 him hanging out with a lot of girls.

16 Q. Okay. Well, I'm getting back to what you told
17 the police back in 2000. You told them that Nick came to you
18 several times when things weren't working out with his
19 girlfriends. Did --

20 A. He might have. If I said that, then it's
21 probably true.

22 Q. Okay.

23 A. I don't really remember a lot of details.

24 Q. And you told the police at that time that he
25 would come over and talk at your house?

K. Steinhoff

1 A. Yeah.

2 Q. And he did do that?

3 A. Mm-hmm.

4 Q. You know Scott Hamilton?

5 A. Yeah.

6 Q. And how do you know Scott?

7 A. I went out with Scott.

8 Q. Now, you saw Nick at the Maytag place, you drove
9 Mr. Elderkin to his place, then you came back?

10 A. Mm-hmm.

11 Q. What did you do when you came back?

12 A. I think I went to my house and then Nick showed
13 up there.

14 Q. All right. Let me back up. When you saw Nick at
15 the Maytag place, do you recall what kind of clothing he had
16 on?

17 A. (Pause.) Um, I don't -- I don't know. I don't
18 remember.

19 Q. Well, did he have different clothes on when he
20 came in later?

21 A. Yeah.

22 Q. Okay. Tell -- well, what was different?

23 A. His pants and his shirt. I had noticed, um, that
24 he had changed. Because I know -- I remember at one point he
25 was wearing khakis and a white T-shirt.

K. Steinhoff

1 Q. And when he came over to your house?

2 A. He was wearing something different.

3 Q. Something different, okay.

4 Now, did Scott Hamilton, did he try to come by?

5 Was he trying to see you that night too?

6 A. He might have.

7 Q. Going back to the recorded interview you had with
8 Officer Lee, you said that the night Nick -- after Nick came
9 over to your house, Scott Hamilton came by and you kept
10 telling Hamilton to come back later.

11 A. Maybe.

12 Q. Maybe?

13 A. Probably, if it says that, then yeah.

14 Q. Right. What did Nick and you do after he came to
15 your house?

16 A. Did meth.

17 Q. Excuse me?

18 A. We smoked meth.

19 Q. You both smoked meth together?

20 A. Mm-hmm.

21 Q. Did you get into the Kia and go look for Leah?

22 A. Yeah.

23 Q. How long did you go look for Leah?

24 A. Not very long. Maybe half an hour. Maybe. I'm
25 not for sure.

K. Steinhoff

1 Q. Where did you drive to look for her?

2 A. We drove around town and out to the Sennetts'
3 road, and then turned around.

4 Q. And how far -- that's not very far out Fairview
5 Road?

6 A. Huh-uh. No.

7 Q. Did you drive anywhere else?

8 A. No.

9 Q. Did you ever see Leah that night?

10 A. No.

11 Q. Did you go and get gas for the car?

12 A. I can't remember.

13 Q. Okay. You told the officer, and it's recorded,
14 you -- that they -- after you'd gone to the Fairview house,
15 you went back to Kristen's home, and then you left and went
16 to the gas station at the Haley building, and you -- Nick
17 used the gas card to put gas in the car.

18 A. I said that?

19 Q. (Indiscernible.)

20 A. I don't know. If I said it, then yeah. I can't
21 remember.

22 Q. All right. What happened when you were -- you
23 went, drove around for about a half hour or so, you come back
24 to your house.

25 What happens with Nick and you at your house?

K. Steinhoff

1 A. We kissed and stuff.

2 Q. When you say kissed and stuff, what do you mean?

3 A. We kissed and stuff, and then almost had sex, but
4 we didn't.

5 Q. Now, he is supposedly boyfriend of Leah Freeman.
6 Is that right?

7 A. Mm-hmm.

8 Q. And he's telling you that night that Leah is
9 missing. Is that correct?

10 A. Mm-hmm.

11 Q. And he's trying to have sex with you?

12 A. Yeah.

13 Q. So he kisses you?

14 A. Yeah.

15 Q. I don't mean to embarrass you, but he's touching
16 you? Is that correct?

17 A. Mm-hmm.

18 Q. What are you telling him during this time frame
19 that he's trying to do this?

20 A. I don't know. It was just really weird.

21 Q. Are you saying, you know, Hey, wait a minute,
22 Nick. You've got a girlfriend. You know, this type of
23 stuff, what are you doing?

24 Are you saying anything like that?

25 A. I said that we shouldn't be doing anything.

K. Steinhoff

1 Q. Why?

2 A. Because he's got a girlfriend.

3 And I think I had a boyfriend; I think Scott.

4 Q. Okay. Does he actually expose himself to you?

5 A. Yeah.

6 Q. He takes his pants down, he actually wants to
7 have sexual intercourse with you?

8 A. Yeah.

9 Q. And you keep telling him what?

10 A. No.

11 Q. Does he eventually stop?

12 A. Yeah, we stopped.

13 Q. Now, this Bill Sero character, do you know him?

14 A. Yeah, kind of. Well, I don't --

15 Q. How about Tom Stemmerman?

16 A. I only met him a couple times, through Sherre
17 Bolger.

18 Q. Part of the reason I have you here today is we've
19 heard from several witnesses that have sworn under oath that
20 they have heard you say that Bill Sero or Tom Stemmerman told
21 you that they killed Leah Freeman.

22 A. No, Sherre said that they told her that. That
23 there was a --

24 Q. Okay. Listen to my question. Because my
25 question is we've had people who have quoted you directly

K. Steinhoff

1 saying that Bill Sero told you or Tom Stemmerman told you
2 that they ran over Leah Freeman with a car.

3 A. No.

4 Q. Did Bill Sero ever tell you that?

5 A. No.

6 Q. Did Tom Stemmerman ever tell you that?

7 A. No.

8 Q. Did you ever tell anybody that?

9 A. No.

10 Q. That these people had told you this?

11 A. No.

12 Q. We've heard from several witnesses today who've
13 indicated that you told them that you were driving the car
14 when Leah Freeman was hit by a car.

15 A. No.

16 Q. No what?

17 A. No, I didn't do that. I've heard lots of rumors,
18 even about myself.

19 Q. Has anybody threatened you to keep your mouth
20 shut?

21 A. Yeah.

22 Q. Who?

23 A. Nick.

24 Q. When?

25 A. Um, right before the last grand jury.

K. Steinhoff

1 Q. And that was back --

2 A. I think it was in 2000.

3 Q. Okay. What happened?

4 A. Um --

5 Q. Where were you?

6 A. Um, at that church across from the junior high.

7 Q. And what happened?

8 A. He just told me to keep my F-ing mouth shut.

9 Q. All right.

10 A. And not to tell them that he was even at my house
11 that night.

12 Q. Did Nick ever come over to your house when you
13 were living with your grandmother, and tell you to keep your
14 mouth shut?

15 A. No, he came over, and him and Ricky took me out
16 to Poe Lane.

17 Q. Okay. We'll get to that in a second.

18 We've heard testimony today from an eyewitness
19 that Nick and his father came over to your house when you
20 were living with your grandmother. That you were in the
21 bathroom, that Nick told you you needed to keep your mouth
22 shut or the same thing would happen to you that happened to
23 Leah.

24 A. No, I've never even met Nick's dad.

25 Q. Well, I didn't say Nick's dad. This is Nick

K. Steinhoff

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1 telling you this.

2 A. Mm-hmm.

3 Q. Did Nick come over to your house and, in the
4 bathroom, tell you to keep your mouth shut? Yes or no?

5 A. Yes.

6 Q. And that was -- you recall this as being at your
7 grandmother's house?

8 A. Mm-hmm.

9 Q. Was there another person with him?

10 A. I think it was Ricky Crook.

11 Q. Okay. Well, I'll talk about Ricky in a second,
12 but in the bathroom, was there anybody else?

13 A. Hmm-mm.

14 Q. Now, have you ever told someone -- well, let's
15 back up.

16 We had a witness here today swear under oath that
17 you told her that you were driving the car, that Nick
18 McGuffin was in the car, that Ricky Crook was in the car.
19 And as you were driving, you see Leah, and that Nick reaches
20 over, grabs the steering wheel, jerks the wheel, and then the
21 car hit Leah?

22 A. No.

23 Q. You never told anybody that?

24 A. No. Because Tina Lehman called me. I had to
25 change my phone number. She called me and told me, Do you

K. Steinhoff

1 remember standing in your grandma's kitchen telling me and
2 your grandma that you and Nick were driving down the road and
3 he yanked the steering wheel, that it ran over Leah? And I
4 never said that, ever.

5 Q. Here's the problem I'm having, and I think the
6 grand jury's going to have this problem. We've had four,
7 five, six people come in here and swear under oath that you
8 told them certain things. And you're telling us it never
9 happened.

10 A. No.

11 Q. Why should we believe you?

12 A. Because it's the truth. I'm not lying.

13 Q. Well, why would these other people come in and
14 make up these stories?

15 A. I don't know.

16 Q. What have you done to people like Tina Lehman
17 that would cause them to come in and say these things?

18 A. I don't know. I didn't have anything to do with
19 this. I wouldn't be involved. And if I knew anything, I
20 would have told.

21 Q. Well, let's talk about that for a minute.

22 When you talked to the police -- you've talked to
23 the police several times in the past, have you not?

24 A. Mm-hmm.

25 Q. You never told them about Nick coming over to

K. Steinhoff

1 your house when you lived with your grandmother, and
2 threatening you, did you?

3 A. Yeah, I think I did.

4 Q. No. Because today is the first time you were
5 asked that, by my instruction. And you've -- you initially
6 said no, it didn't happen. But then when I pressed you, you
7 now tell us it did occur.

8 A. He -- yeah. He was --

9 Q. Your story was it happened at some church, but
10 when I pressed you, you came back and now said it's at your
11 house. So you haven't been truthful with the police through
12 this, have you?

13 A. Yeah, I told that when they came over to my house
14 the last time, when I told them about Poe Lane, I told them
15 the same thing.

16 Q. Well, why didn't you tell them the first time
17 when they came and talked to you about this?

18 Isn't it true the police --

19 A. I told Dan Lee and David Zavala about them taking
20 me out to Poe Lane right the day after it happened.

21 Q. Okay. But you never --

22 A. And they said that they --

23 Q. -- told them about Nick McGuffin threatening you?

24 A. Yes, I did too.

25 Q. Okay. If I were to get that tape recorder out

K. Steinhoff

1 and play that recording for you?

2 A. I don't know.

3 Q. Okay. How about -- you had another recorded
4 interview with a detective named Davis. Do you recall that?

5 A. Hmm-mm.

6 Q. Well, let me ask you this. When you spoke with
7 Dan Lee, did you ever tell Dan Lee that Nick McGuffin tried
8 to have sex with you that night?

9 A. Yep.

10 Q. Okay. All right. And if the tape says
11 differently?

12 A. I've told the truth the whole time.

13 Q. Did you tell Dan Lee that Nick tried to have sex
14 with you while you were parked at the rock pile?

15 A. The rock pile? What?

16 Q. Later in my conversation with Kristen -- this is
17 Dan Lee -- she told me Nick tried to have sex with her while
18 they were parked at the rock pile. She told him no and
19 she -- he did not pursue it any further. Nick told her not
20 to tell anyone because of the whole Leah thing.

21 A. I don't remember.

22 Q. Okay. See how interesting that is, when we read
23 things to you that you've told the police in the past, and
24 you don't remember?

25 A. I don't remember certain details of stuff. I did

K. Steinhoff

1 a lot of drugs.

2 Q. All right.

3 Were you with Ricky Crook the night that Leah
4 disappeared?

5 A. I can't remember.

6 Q. After Nick tried to have sex with you that night,
7 what did you do?

8 Did you see Nick again that night?

9 A. Um, I think I seen him at Fast Gas.

10 Q. Did you see him at your house?

11 A. I don't -- I can't remember. I don't think so.

12 Q. We've heard testimony here today that in the
13 daylight, it was just turning daylight, so it would be
14 around, I don't know, 5:30, six o'clock in the morning, that
15 you, Ricky Crook, and Nick were on the front porch of your
16 house. Do you recall that.

17 A. No, but if it says that, it's true, probably. I
18 just don't remember.

19 Q. I didn't say if this said it was true, there
20 was -- we had a witness testify that they heard -- that that
21 person heard and saw you and Nick and Ricky on the porch of
22 your house --

23 A. I don't remember.

24 Q. -- at daylight.

25 A. I don't remember.

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1 Q. Well, let's talk about Ricky Crook a second.

2 Well, let me back up.

3 Did you ever have a necklace with nickname --
4 Nick's name on it?

5 A. No.

6 Q. No?

7 A. No.

8 Q. We've heard testimony that you were in possession
9 of a necklace with little beads on it, dice-type beads, with
10 the name Nick on it?

11 A. No.

12 Q. That's another person that made that up. Is that
13 right?

14 A. No, but I never had a necklace that said that.

15 Q. Okay. But that's your testimony. That's what
16 you want these people to believe, that that was another
17 person that made this up?

18 A. Yeah. I never had a necklace.

19 Q. I mean, we've got a purse -- we've got people
20 that are apparently making it up that you told them that Bill
21 Sero and Tom Stemmerman killed Leah Freeman. We've got
22 people that have come in and sworn in here under oath that
23 you told them that you were involved in killing Leah Freeman.

24 A. Why would I say something --

25 Q. We've had -- we've had people who came in who've

K. Steinhoff

1 sworn under oath --

2 A. Why would I say that I was involved in something
3 that I was not involved in? Why would I do that?

4 Q. Well, that's not my problem. It's your problem.

5 A. Obviously.

6 Q. So, why would all these people come in and lie?

7 A. I don't know.

8 Q. Ricky Crook, the night that Nick threatened you
9 in the bathroom, did Ricky Crook come in the window of your
10 house and threaten you too?

11 A. I don't remember.

12 Q. Well, you mentioned that you thought Ricky Crook
13 was with Nick that night?

14 A. He was with Nick that night, the night they took
15 me out to Poe Lane.

16 Q. Okay. But this -- I'm talking about an entirely
17 different night.

18 A. I don't know. What night are you talking about,
19 then?

20 Q. Okay. There was a night before Leah Freeman's
21 body was found. We've heard testimony that you were at your
22 grandmother's house, that there was kind of a party going on.
23 That Nick McGuffin showed up with an older gentleman and took
24 you into the bathroom, and proceeded to threaten you to keep
25 your mouth shut. That I believe it was Tina Lehman came to

K. Steinhoff

1 the door of the bathroom, overheard what was being said, came
2 into the bathroom, and asked what the heck was going on. The
3 older gentleman left. Nick tried to explain his way out.
4 You got hysterical and went into your bedroom.

5 Then, that later that evening that Ricky Crook
6 came in the bedroom window into your room, and was
7 threatening you to keep your mouth shut about Leah Freeman,
8 where again Tina Lehman comes in and intervenes and runs
9 Ricky Crook out of the house.

10 A. I don't remember.

11 Q. Okay. I don't remember doesn't tell me much.
12 Did the --

13 A. I don't seriously remember. I don't know.

14 Q. Is it possible that it happened?

15 A. Maybe.

16 Q. Why wouldn't you remember that?

17 A. I don't know.

18 Q. See, here's my problem. Second problem I've got.
19 Seems like every time we talk to you, you come up with a
20 little more information. You add to it. And I'm beginning
21 to wonder if you feel that you have to keep your mouth shut
22 because you're afraid somebody's going to hurt you.

23 A. No. I would have told on them, if they told me
24 anything. If they had any involvement and I knew, I would
25 have told.

K. Steinhoff

1 Q. You realize, don't you, from the people that have
2 testified here today, that this grand jury could indict you
3 for the murder of Leah Freeman, don't you?

4 A. Yeah, but I didn't do anything. I wasn't
5 involved in this.

6 Q. What do you know about it?

7 A. I don't know anything. Everything that I've
8 said, that's all I know, is how Nick was acting.

9 Q. Okay. But people keep coming and saying you're
10 involved, you're involved, you're involved.

11 A. I'm not. There's no way that -- I'm not that
12 kind of person.

13 GRAND JUROR: Why was Nick telling you to keep
14 your mouth shut?

15 THE WITNESS: I don't know. Because I told the
16 cops that he was acting really weird that night.

17 GRAND JUROR: Was it just that night, that he was
18 acting weird?

19 THE WITNESS: He was acting weird like throughout
20 the whole time that she was missing. He was hanging missing
21 flyers, and just the way he was acting and the way he was
22 talking, I don't know. It was just really weird.

23 GRAND JUROR: Had you and Nick had sex before?

24 THE WITNESS: No.

25 GRAND JUROR: Had you ever had sex?

K. Steinhoff

1 THE WITNESS: No.

2 BY MR. FRASIER:

3 Q. This incident with Ricky Crook and Nick, where
4 you went someplace, tell us about that.

5 A. They took me out to Poe Lane and, um, there was a
6 blowtorch and a shotgun in the back seat. They were acting
7 really weird. And, um, I was joking around with Ricky, and I
8 turned around and I said, What's wrong with you, because he
9 was acting really weird. He was just -- Nick kept staring at
10 Rick. Because Nick was driving, I was sitting in the
11 passenger seat, and Ricky was sitting behind me. And I
12 noticed that Nick kept looking at Ricky through the rearview
13 mirror. And I was -- jokingly, I turned around and I said,
14 What's so wrong with you? And he just had a weird look on
15 his face, and that's when I seen the gun and the blowtorch.

16 Q. Okay. When you say Poe Lane, where's Poe Lane?

17 A. Um, right after Hungry Mountain on Fairview.

18 Q. Okay.

19 A. It was Daniel Lapine's -- where Daniel Lapine's
20 mom's trailer was built, before the trailer was there.

21 Q. Did you go on Lee Valley Road to get there?

22 A. No.

23 Q. No?

24 A. No, it was -- it was right after the big steep
25 hill on Fairview, and then you start going around the

K. Steinhoff

1 corners, and then Poe Lane is like right here.

2 Q. Okay. When you were interviewed by Officer Lee,
3 did you tell him about the gun and the torch?

4 A. Yeah.

5 Q. Are you sure? Because there's no mention of it.

6 A. There should be.

7 Q. If I play that tape for the grand jury and it
8 isn't there, what are you going to say?

9 A. I told him. I don't know why it wouldn't be
10 there.

11 Q. Why wouldn't it be on the tape if you, when
12 you're giving the discussion -- when you're giving a
13 statement?

14 A. I don't know. I told him the day after it
15 happened. I can't remember exactly which cop I told.

16 Q. Okay. How many cops did you talk to back in
17 2000?

18 A. A lot.

19 Q. Did Nick ever ask you what Hamilton had said to
20 you about the way he was acting?

21 A. What now? Sorry.

22 Q. Okay. This is from your interview with Officer
23 Lee back in 2000. He said, Kristen said he saw Nick and that
24 you told him what Scott Hamilton had told you.

25 A. Yeah. Nick and Scott had been hanging out

K. Steinhoff

1 earlier the day, and Scott said that he took him out to where
2 they found Leah's body, and Nick had told Scott about
3 something about her head being on some rock or something.
4 And I told Scott to stay away from him, because Scott was
5 freaked out.

6 Q. Nick asked Kristen about what Hamilton had said
7 about the way he was acting. You indicated to Dan Lee --
8 again, this is on the tape -- that you told him that Nick was
9 not crying and acting weird, but you demonstrated to him what
10 he was doing when you told him what was going on.

11 Do you recall that?

12 A. No.

13 Q. You told the officer and you demonstrated to the
14 officer that he put his elbows on his knees, put his face in
15 his hands, and then started rocking back and forth.

16 A. I don't remember.

17 Q. And that Nick was in the bathroom of your house
18 when he told you that, when this occurred.

19 A. I don't remember.

20 Q. You don't remember. Isn't it interesting when I
21 tell you things --

22 A. That I don't remember? Yeah, it's interesting.

23 Q. Well, I mean it's --

24 A. I did a lot of drugs.

25 Q. -- it's either it didn't happen or I don't

K. Steinhoff

1 remember or I don't know.

2 A. Yeah, I'll tell you what I know, but some's -- I
3 don't remember every detail.

4 Q. Has anybody told you that they killed Leah
5 Freeman?

6 A. No.

7 Q. Has anybody told you they were there when they
8 killed Leah Freeman?

9 A. No.

10 Q. Were you there when Leah Freeman was killed?

11 A. No.

12 MR. FRASIER: Grand jury want to ask her
13 anything?

14 GRAND JUROR: I think -- just my opinion, I think
15 there's stuff that you -- you know, that you're not saying
16 that you know. And you really need to --

17 THE WITNESS: I would have told. I don't --

18 GRAND JUROR: You know, your butt's on the line,
19 to put it frankly.

20 THE WITNESS: But I don't know anything. I would
21 have told. I'm -- I'm not that kind of person to keep
22 something like this to myself. I would have told. I would
23 have told on them right when they told me.

24 MR. FRASIER: Okay. I need to stop the tape here
25 a second. I'll leave the recorder on while I replace the

K. Steinhoff

1 tape here.

2 GRAND JUROR: Did -- why did you go out with them
3 on that drive that day out to Poe Lane? Were you on drugs?
4 The day you said you went out to Poe Lane when they had the
5 gun and the torch.

6 THE WITNESS: Why did I go?

7 GRAND JUROR: Yeah.

8 THE WITNESS: I don't know.

9 GRAND JUROR: Were you -- was it -- were you
10 doing drugs with them at that time?

11 THE WITNESS: Um, not at the time we were sitting
12 out there. We didn't do anything. They just sat there and
13 didn't say anything. Kind of freaked me out, and I told them
14 to take me home. I don't know why I went with them.

15 GRAND JUROR: Had somebody warned you not to go
16 with them?

17 THE WITNESS: Yeah.

18 GRAND JUROR: Who?

19 THE WITNESS: Tina Lehman. And it -- I heard for
20 a couple of days that they were going to do something to me,
21 and not to go anywhere with them. And I don't know why I
22 went with them.

23 GRAND JUROR: Was there anything that Nick had
24 told you that -- other than the fact that he made advances on
25 you, that you were -- that he wouldn't want you to come

K. Steinhoff

1 forward with as far as information?

2 THE WITNESS: No. I just kept telling the cops
3 how weird he was acting.

4 GRAND JUROR: When you returned that car late,
5 was there anything wrong with it?

6 THE WITNESS: No.

7 GRAND JUROR: Did you fill it with gas, or did
8 you run over anything, or --

9 THE WITNESS: No, I didn't run anything over.
10 There was nothing wrong with it.

11 GRAND JUROR: You were just late returning it?

12 THE WITNESS: Yeah.

13 GRAND JUROR: Why were you late returning the
14 car?

15 THE WITNESS: Doing drugs.

16 GRAND JUROR: Who were you doing drugs with?

17 THE WITNESS: I can't remember exactly. I know I
18 did drugs with Nick that night, my mom, Zack.

19 GRAND JUROR: Zack did drugs with you that night?

20 THE WITNESS: He did drugs at my grandma's house.

21 BY MR. FRASIER:

22 Q. Okay. But you dropped Zack off at his place?

23 A. Mm-hmm.

24 Q. Did you do drugs after that, with Zack?

25 A. No.

K. Steinhoff

1 Q. Okay. So what we want to know, when you had the
2 car, who were you doing drugs with?

3 A. I think I went out to Hernan Cortez's house. I
4 can't remember exactly where I was all that night.

5 GRAND JUROR: Hernan Cor -- where's that at?

6 THE WITNESS: Um, Glen Aiken Road.

7 BY MR. FRASIER:

8 Q. Who was with you when you went out to Hernan
9 Cortez's place?

10 A. I can't remember.

11 Q. Was Nick with you?

12 A. No.

13 Q. Was Ricky Crook with you?

14 A. I'm not sure.

15 Q. Where else did you go?

16 A. I drove around town.

17 Q. Who was with you?

18 A. I can't remember who was with me. I don't know.

19 Q. Who saw you? Did anybody -- did you see any --
20 do you recall seeing anybody?

21 A. I seen Nick at Fast Gas.

22 Q. Okay.

23 A. When I was spraying his car with air freshener
24 because I was smoking in it.

25 Q. All right. Whose car? It was Elderkin's car?

K. Steinhoff

1 A. Mm-hmm.

2 Q. All right. Elderkin smoked; is that right?

3 A. Yeah.

4 Q. So why would you spray the car if he's a smoker
5 and he'd smoke in it?

6 A. Because I can't stand the smell of stale
7 cigarettes.

8 Q. Did you clean up the car before you gave it back
9 to Elderkin?

10 A. No.

11 Q. Vacuum it out?

12 A. No.

13 Q. Did you call Elderkin a couple -- a week or so
14 later and tell him that he might want to check over his car
15 because it might have been involved in the Leah Freeman case?

16 A. No.

17 Q. Well, that's what he just testified to.

18 A. Well, I never said that.

19 Q. You called him up or told him face-to-face that
20 he might want to make sure that his car was okay, or look for
21 blonde hair or blood on it.

22 A. No.

23 Q. Okay. Another person making stuff up.

24 A. I guess, because I never said that.

25 Q. Okay. I'm just telling you. This man over there

K. Steinhoff

1 has got it right. You're heading down the road to being
2 indicted for murder.

3 A. I didn't do anything.

4 Q. Well, you seem to know more than what you're
5 telling us.

6 A. No, I don't. Obviously --

7 Q. Yes, you do.

8 A. -- by now I would have told. I have four kids.
9 I would have told you by now.

10 Q. You need to think about those four kids, because
11 you could very much end up in the jail over there, and you
12 could go down for 25 to life. So you need to think about
13 this.

14 A. I would have told if I knew anything.

15 Q. That's what you keep saying, but it keeps getting
16 worse and worse for you.

17 A. Oh my God.

18 GRAND JUROR: There's a lot of witnesses that,
19 like he said, are testifying that you had something or you
20 know something to do with this.

21 THE WITNESS: I don't know anything. I would
22 have told. (Crying.)

23 GRAND JUROR: I mean, even if you were driving,
24 now is the time to say something.

25 THE WITNESS: I wasn't. I didn't even know her.

K. Steinhoff

1 She didn't even know me.

2 GRAND JUROR: Well, if Nick was playing around
3 and accidentally pulled the steering wheel, and he accidentally
4 hit her, it's an accident.

5 THE WITNESS: No, nothing like that happened.

6 GRAND JUROR: You did go with Nick to look for
7 her though?

8 THE WITNESS: Yes.

9 GRAND JUROR: In what vehicle?

10 THE WITNESS: The Kia.

11 GRAND JUROR: Where'd you go?

12 THE WITNESS: Just drove around town and out to
13 the Sennetts' road, and that was it.

14 GRAND JUROR: That was the Sennetts' Road.
15 Where's that at?

16 THE WITNESS: Um --

17 BY MR. FRASIER:

18 Q. You mean the driveway to Dr. Sennett's house?

19 A. Yeah. We turned around right there.

20 GRAND JUROR: What time was this?

21 THE WITNESS: Um, it was after 9:00 sometime.

22 GRAND JUROR: What time do you drop off Zack?

23 THE WITNESS: I'm not sure. Sometime after 9:00.

24 GRAND JUROR: Do you see Nick before or after you
25 dropped off Zack?

K. Steinhoff

1 THE WITNESS: Before.

2 BY MR. FRASIER:

3 Q. Where did you see him at?

4 A. At the -- the Maytag place.

5 GRAND JUROR: But he didn't have a car there?

6 THE WITNESS: No, there was no car there or
7 anything, and he was walking in circles.

8 GRAND JUROR: Did you see Nick in a vehicle at
9 all that night? Well, later it was in his car, right?

10 THE WITNESS: Yeah. When he came --

11 GRAND JUROR: Which was -- what vehicle was that?

12 THE WITNESS: Um, I can't remember because I seen
13 him a couple of different times that night, but he was
14 driving a different car each time. And I can't remember the
15 car that he came to my grandma's house in. It was either the
16 Thunderbird or the Mustang.

17 GRAND JUROR: When Nick talked to you and
18 threatened you, what did he say exactly?

19 THE WITNESS: To keep my fucking mouth shut.

20 GRAND JUROR: About what?

21 THE WITNESS: Just him even being over at my
22 grandma's house that night at all.

23 GRAND JUROR: Why would that be a problem?

24 THE WITNESS: Because I told the cops how weird
25 he was acting.

K. Steinhoff

1 GRAND JUROR: Did he use meth a lot then, would
2 you say?

3 THE WITNESS: Yeah.

4 GRAND JUROR: When you guys were at your house
5 fooling around, was that after you went in the Kia and looked
6 for Leah?

7 THE WITNESS: No, I think it was before.

8 GRAND JUROR: Well, what time was that?

9 THE WITNESS: After 9:00 sometime. I'm not sure.

10 GRAND JUROR: One o'clock in the morning?

11 THE WITNESS: It might have been.

12 GRAND JUROR: Did you by any chance, during all
13 this taking place, make statements in public or to various
14 people in order to make Kristen, per se, look like the big
15 man on campus?

16 THE WITNESS: No. Everybody was talking about
17 it. We just talked about all the rumors that we heard.
18 That's all that I would have talked about, was the rumors.

19 GRAND JUROR: What rumors?

20 THE WITNESS: Just a lot -- there was lots of
21 rumors.

22 GRAND JUROR: Like what?

23 THE WITNESS: That she got ran over.

24 GRAND JUROR: By who?

25 THE WITNESS: Um, Bill Sero, and just -- I heard

K. Steinhoff

1 rumors up to there was Denise put a hundred-dollar hit out on
2 her sister. That's how stupid the rumors were. It was just
3 a bunch of crap. And that's all that I ever talked about.

4 GRAND JUROR: Mm-hmm. So --

5 THE WITNESS: Never said I did something, because
6 I didn't.

7 GRAND JUROR: Did you ever hear rumors that
8 people were thinking you did?

9 THE WITNESS: Yeah.

10 GRAND JUROR: Did you ever spread a rumor or talk
11 about the fact that you might have thought that Nick had done
12 it?

13 THE WITNESS: Yeah.

14 GRAND JUROR: So you -- at the time you had said
15 to other people you thought Nick was involved?

16 THE WITNESS: Mm-hmm. Yep, because how weird he
17 was acting, why would he want me to keep my mouth shut about
18 him being over at my house? Just the little things that -- I
19 don't know. He just scared me.

20 GRAND JUROR: But he never said anything to the
21 effect that he was involved with Leah's death?

22 THE WITNESS: No.

23 BY MR. FRASIER:

24 Q. Did you do anything in the time you were with
25 Nick -- in the time you were with Nick, did you do anything

K. Steinhoff

1 to help him hide any evidence?

2 A. No.

3 Q. Did you help him move the body?

4 A. No.

5 GRAND JUROR: Do you know where she was found?

6 THE WITNESS: The dis -- two detectives took me
7 out there, and showed me.

8 GRAND JUROR: Is it anywhere near where you went
9 with them?

10 THE WITNESS: It was a long ways away from where
11 I went with them.

12 GRAND JUROR: Had you ever been to that spot
13 before or after, where they took you, these detectives?

14 GRAND JUROR: I -- after. Because that's where
15 my friend's mom's trailer was getting put in at. But I'd
16 never been there before. Before that night that they took
17 me. That was the first time.

18 GRAND JUROR: Did you say you did not know Bill
19 Sero?

20 THE WITNESS: I know him, but not real well. I
21 didn't really hang out with him a lot.

22 GRAND JUROR: Had you done drugs with him before?

23 THE WITNESS: Yeah.

24 GRAND JUROR: But did you go somewhere when you
25 did the drugs?

K. Steinhoff

1 THE WITNESS: I can't remember. I know I gave
2 him a ride to his house once.

3 (Pause.)

4 MR. FRASIER: Any other questions?

5 GRAND JUROR: So you said you went out with them
6 and you saw the gun and the blowtorch. What did they say
7 when you were out there?

8 THE WITNESS: They didn't say anything.

9 GRAND JUROR: You just sat in a car and said
10 nothing?

11 THE WITNESS: Yep. They didn't say anything.
12 And it scared me so bad I kept telling them to take me home,
13 and finally they did.

14 GRAND JUROR: And what did they say during --
15 while they were driving?

16 THE WITNESS: They didn't say anything. They
17 were just silent the whole time.

18 GRAND JUROR: Did you find that odd?

19 THE WITNESS: Yeah. I was scared. And I think
20 that if there wouldn't have been people at my house that I
21 wouldn't have come back.

22 GRAND JUROR: What was the reason they took you?

23 THE WITNESS: They said we're going for a drive.

24 GRAND JUROR: And you just went with them?

25 GRAND JUROR: Even after knowing --

K. Steinhoff

1 THE WITNESS: Yep.

2 GRAND JUROR: -- that (indiscernible).

3 MR. FRASIER: Why would you go with Nick McGuffin
4 if you thought he was involved in Leah Freeman's death?

5 THE WITNESS: I don't know.

6 GRAND JUROR: Why would you go with Nick McGuffin
7 and Ricky Crook when supposedly they're mad at you, want you
8 to keep your mouth shut about what you told the police?

9 THE WITNESS: I don't know. I have no answer for
10 that. I have absolutely no idea.

11 GRAND JUROR: It sounds incredibly stupid.

12 THE WITNESS: Yeah. I know.

13 GRAND JUROR: So why would you do it? I mean, it
14 just doesn't make any sense.

15 THE WITNESS: I don't know.

16 GRAND JUROR: Have you ever been to Nick
17 McGuffin's house? Met his brother?

18 THE WITNESS: I know his brother from school,
19 but.

20 GRAND JUROR: How about his mom or his dad?

21 THE WITNESS: I've never met his mom or his dad.

22 GRAND JUROR: At your grandmother's house the
23 night that Nick told you to keep your mouth shut in the
24 bathroom, he was the only one in the bathroom with you?

25 THE WITNESS: That I can remember. I don't

K. Steinhoff

1 remember anybody else being in there.

2 GRAND JUROR: Who did he come with?

3 THE WITNESS: I think he came with Ricky Crook.

4 GRAND JUROR: You didn't see an older guy around?

5 THE WITNESS: No.

6 GRAND JUROR: So if he came with Ricky Crook when
7 that happened, and then Ricky Crook later climbed through
8 your window, why would he come to your window and climb
9 through your window?

10 THE WITNESS: I don't know.

11 GRAND JUROR: After being there, walking through
12 the door?

13 THE WITNESS: I don't know.

14 GRAND JUROR: We don't either. That's why we
15 need some help. (Laughs.)

16 THE WITNESS: Well, I don't know either.

17 GRAND JUROR: While in the bathroom when Nick
18 told you to keep your mouth shut, did he also say that if you
19 didn't the same thing would happen to you that happened to
20 Leah?

21 THE WITNESS: I can't remember if he said that.
22 I just remember him telling me to keep my mouth shut.

23 GRAND JUROR: Did you?

24 THE WITNESS: What?

25 GRAND JUROR: Keep your mouth shut --

K. Steinhoff

1 THE WITNESS: No.

2 GRAND JUROR: -- after that?

3 THE WITNESS: I talked to the cops every time
4 they talked to me.

5 GRAND JUROR: Did he come back after you had
6 talked to the cops again, after being told to shut up?

7 Did he know you talked to the cops again?

8 THE WITNESS: I had told -- I had told him
9 because I think I talked to the FBI too.

10 GRAND JUROR: Told who?

11 THE WITNESS: I told --

12 GRAND JUROR: Told Nick that you talked --

13 THE WITNESS: I told Nick every time that I
14 talked to the cops.

15 GRAND JUROR: And what was his reaction?

16 THE WITNESS: Mm, I don't remember. I don't
17 know. I'm not sure.

18 GRAND JUROR: Did Nick's parents know he was
19 doing meth?

20 THE WITNESS: I think so. You could tell. Just
21 the change in his appearance and everything.

22 GRAND JUROR: Were his parents the kind of people
23 that would have taken that as were -- as they would have
24 objected sternly to that? Or do you know his parents that
25 well?

K. Steinhoff

1 THE WITNESS: I didn't know his parents at all.

2 GRAND JUROR: Have you been in any contact with
3 Nick?

4 THE WITNESS: No.

5 GRAND JUROR: Since when?

6 THE WITNESS: Since I moved away from Coquille
7 when I was 18 or 19.

8 GRAND JUROR: What year would that have been?

9 THE WITNESS: I'm 28 now.

10 GRAND JUROR: So ten years? Nine years?

11 THE WITNESS: Yeah.

12 GRAND JUROR: So you moved right after this
13 happened?

14 THE WITNESS: Mm-hmm.

15 GRAND JUROR: Where'd you move to?

16 THE WITNESS: Um, Coos Bay.

17 GRAND JUROR: With who?

18 THE WITNESS: My boyfriend John.

19 GRAND JUROR: You still with him?

20 THE WITNESS: Mm-hmm.

21 GRAND JUROR: What's his name?

22 THE WITNESS: John Farley (phonetic).

23 GRAND JUROR: It's -- do you think it's odd that
24 some -- that several people have conflicting statements, and
25 also that you don't understand why Nick would be telling you

K. Steinhoff

1 to keep your mouth shut? I mean --

2 THE WITNESS: Yeah, I think that's odd. I don't
3 know. I didn't have anything to do with it. I wouldn't have
4 had anything to do with this.

5 GRAND JUROR: If he had threatened you with your
6 life, and was pissed off that you were talking to the cops,
7 why would you continue to tell him every time that you talked
8 to the cops?

9 THE WITNESS: Because he was acting weird, and I
10 thought -- I thought that Nick had something to do with it.

11 GRAND JUROR: But why would you tell Nick?

12 THE WITNESS: I don't know.

13 GRAND JUROR: Were you trying to help Nick by
14 letting him know --

15 THE WITNESS: No. I quit hanging out with Nick
16 at all after all this, because I was freaked out by it.

17 GRAND JUROR: Did you feel threatened? Do you
18 still feel threatened?

19 THE WITNESS: Yeah. No.

20 GRAND JUROR: That's why I'm curious why -- I
21 don't understand. If you felt threatened, why did you call
22 him and --

23 THE WITNESS: I didn't call him and tell him.
24 Like --

25 GRAND JUROR: -- put yourself in danger?

K. Steinhoff

1 THE WITNESS: -- if I seen him, I would tell him,
2 but I didn't call him and tell him.

3 GRAND JUROR: Why would you tell him anyway?

4 THE WITNESS: I don't know.

5 GRAND JUROR: Yeah. I mean, he was --

6 THE WITNESS: I don't know.

7 GRAND JUROR: I mean, if he said I'm going to
8 hurt you for it, you know, or what he did say, why would you
9 bring that upon yourself?

10 GRAND JUROR: That's like asking to be hurt.

11 THE WITNESS: I don't know why. I don't know.

12 GRAND JUROR: A lot of the people that we talked
13 to have had pretty good memory and are pretty sure in what
14 they've said. And you don't seem to know a lot of your
15 story.

16 THE WITNESS: Because I did a lot of drugs.

17 GRAND JUROR: You've got a lot of I-don't-knows.

18 Well, a lot of these people did a lot of drugs.

19 GRAND JUROR: So do (indiscernible).

20 GRAND JUROR: Mostly everyone in here had had --
21 been involved.

22 THE WITNESS: I don't know.

23 GRAND JUROR: That's what I'm talking about.

24 You -- that's your response to a lot of things.

25 THE WITNESS: I don't remember every little tiny

K. Steinhoff

1 detail of everything. I was high on meth. I don't know.

2 GRAND JUROR: So was everyone else.

3 THE WITNESS: Who knows?

4 BY MR. FRASIER:

5 Q. Did Nick McGuffin tell you that he killed Leah
6 Freeman?

7 A. No. I would have told if he did. He -- I don't
8 think if he -- he would have trusted me enough to tell me
9 something like that.

10 Q. He wanted to have sex with you, right?

11 A. Yeah.

12 Q. He wanted to have some sort of relationship with
13 you, right?

14 A. Not a relationship. Just --

15 Q. He wanted to have sex with you?

16 A. Yeah.

17 Q. Okay. But he never told you what happened to
18 Leah Freeman?

19 A. No.

20 Q. And Bill Sero never told you what happened to
21 Leah Freeman?

22 A. No.

23 Q. And Tom Stemmerman never told you what happened?

24 A. No.

25 GRAND JUROR: So how long after having -- wanting

K. Steinhoff

1 to have sex with you did the tables turn and he became
2 hostile towards you?

3 THE WITNESS: I don't know.

4 GRAND JUROR: Do you know when you were
5 confronted in the bathroom?

6 THE WITNESS: I can't remember when. It was a
7 while after, not like the same day or anything.

8 GRAND JUROR: Because people are able to
9 remember -- you know it was ten years ago, but people are --
10 know where they were the day she went missing. People know
11 if certain things happened before the body was found or
12 after. You know, because this is a big deal, and there's a
13 lot of things, you know, that stand out to everyone we've
14 talked to. And if I was someone that was being accused, I
15 would think I'd remember more -- I would make sure that I
16 would try to recall what was going on --

17 THE WITNESS: Being --

18 GRAND JUROR: -- to get my name out of this mess.
19 You know, where were you on that night? What were you doing
20 before?

21 THE WITNESS: Being accused. Being accused of
22 what? I'm not being accused of anything. I didn't do
23 anything. I don't know. I didn't really do much --

24 GRAND JUROR: Well, you know that you were part
25 of the rumors, right? I mean --

K. Steinhoff

1 THE WITNESS: Yeah. I didn't really do much --
2 anything that day except do drugs and drive around, the same
3 thing I did every other day (indiscernible).

4 BY MR. FRASIER:

5 Q. Well, in case you haven't figured it out, you are
6 being accused of killing Leah Freeman. People are telling us
7 you did it, that you admitted to doing it. You are accused,
8 so don't think you're not.

9 GRAND JUROR: People are putting you in the car
10 with Nick, and Nick pulling the wheel.

11 THE WITNESS: I wasn't.

12 GRAND JUROR: Well, that's not going to get you
13 off in court. I could almost guarantee that, you know.

14 If you got eight people saying that she was doing
15 that, and you just say, Oh, well, no, I wasn't. I -- but I
16 can't prove that. You got to give us something that's solid.

17 GRAND JUROR: And you can't remember somethings,
18 and not other things. You can't leave no holes.

19 THE WITNESS: I didn't really do much of anything
20 important that day except drive around and do drugs. That's
21 it. I didn't do anything. I wasn't involved in this. I
22 don't know anything about it. I wasn't told anything. I
23 didn't see anything.

24 GRAND JUROR: Why was Nick so adamant to threaten
25 you then, if you didn't know anything?

K. Steinhoff

1 THE WITNESS: I don't know. I don't know.

2 GRAND JUROR: He didn't threaten all these other
3 people.

4 THE WITNESS: I don't know.

5 GRAND JUROR: He only threatened you.

6 He didn't tell anyone else to keep their mouth
7 shut.

8 THE WITNESS: I don't know why.

9 GRAND JUROR: You're the only name that's come up
10 with that. Why you?

11 THE WITNESS: I don't know.

12 GRAND JUROR: When you heard the rumors that
13 linked you to this crime, what did you do about it?

14 THE WITNESS: Tried --

15 GRAND JUROR: And you've heard the rumors, right?

16 THE WITNESS: Yeah.

17 GRAND JUROR: Okay. So what -- when you hear a
18 rumor like that, what did you do? Just blow it off, or what?

19 THE WITNESS: I knew that I didn't have anything
20 to do with it --

21 GRAND JUROR: So you just kept it to yourself?

22 THE WITNESS: -- and I tried to tell people I
23 didn't have anything to do with it.

24 GRAND JUROR: Could you talk to Nick about, Hey,
25 people are saying that me and you ran her over? Or me and

K. Steinhoff

1 somebody ran them over -- or --

2 THE WITNESS: Yeah.

3 GRAND JUROR: What did he say?

4 THE WITNESS: He didn't say anything.

5 GRAND JUROR: Did he ask you if you had told the
6 cops anything?

7 THE WITNESS: No, I just told him about the
8 rumors that I had heard. And I had asked him too, if he had
9 had anything to do with it, and he didn't say anything. He
10 didn't tell me.

11 GRAND JUROR: What about your family? Does your
12 mother know where you were at that night?

13 THE WITNESS: I'm not sure. My mom was at the
14 house that night.

15 GRAND JUROR: But she didn't know that you come
16 and went, or --

17 THE WITNESS: I don't know. She was doing drugs
18 in the bedroom.

19 GRAND JUROR: What time did you come home?

20 After you left that night with Zack's car?

21 THE WITNESS: Home. I can't remember. It was
22 late.

23 GRAND JUROR: Late. What's late? Eleven o'clock
24 at night's late for me.

25 THE WITNESS: After I dropped Zack off, I came

K. Steinhoff

1 right back home.

2 GRAND JUROR: And stayed home?

3 THE WITNESS: No.

4 GRAND JUROR: And then did what?

5 THE WITNESS: Did drugs, and that's when Nick
6 came over.

7 GRAND JUROR: And then what did you do?

8 THE WITNESS: We left and looked for Leah.

9 GRAND JUROR: What time was that?

10 THE WITNESS: Late. I can't remember exactly
11 what time.

12 GRAND JUROR: Well, what's late? After midnight?
13 Before midnight?

14 THE WITNESS: It's after 9:00 sometime.

15 GRAND JUROR: After 9:00. A long time after
16 9:00?

17 THE WITNESS: It might have been.

18 GRAND JUROR: That was after you already returned
19 the car?

20 GRAND JUROR: No.

21 THE WITNESS: No.

22 GRAND JUROR: Because the car didn't get returned
23 until sometime the next morning, right?

24 THE WITNESS: Yeah, I was late. It was -- I was
25 supposed to be back at 6:00 but it was after 6:00.

K. Steinhoff

1 GRAND JUROR: It was three o'clock.

2 THE WITNESS: Huh?

3 GRAND JUROR: It was the next day.

4 GRAND JUROR: It was three o'clock, or after
5 3:00. Because it was supposed to be there at 3:00, I
6 believe.

7 (Indiscernible discussion among grand jurors.)

8 THE WITNESS: It was three o'clock the next day?

9 GRAND JUROR: Morning, yes.

10 GRAND JUROR: No, it was three o'clock when he
11 told you he home --

12 THE WITNESS: Oh. I thought it was 6:00.

13 GRAND JUROR: And you didn't get home until 6:00.

14 THE WITNESS: Oh, I thought it was 6:00. I don't
15 remember.

16 GRAND JUROR: Do you remember Zack being upset?

17 THE WITNESS: A little bit.

18 GRAND JUROR: Or did he just take off?

19 THE WITNESS: He was kind of mad.

20 GRAND JUROR: He ever let you use the car again?

21 THE WITNESS: Uh, no.

22 GRAND JUROR: You don't know? Or you --

23 THE WITNESS: I don't know. I can't remember.

24 GRAND JUROR: Can't remember if you've ever drove
25 that car more than once?

K. Steinhoff

1 THE WITNESS: I think I only used it once.

2 BY MR. FRASIER:

3 Q. How did you get home from where Elderkin was
4 staying?

5 A. I don't remember. I think he might have taken me
6 home. I'm not sure.

7 GRAND JUROR: You were pretty good friends with
8 Nick. After he had threatened you, and just, you know, what
9 you've known of him personally, just being friends, did you
10 feel like he was the type of person that would go through
11 with some type of violence toward you?

12 THE WITNESS: After the way he was acting, yeah.
13 But before that I didn't -- I couldn't believe that he would
14 be involved in something like this. But after, when he kept
15 threatening me, then yeah.

16 GRAND JUROR: Never saw him be mean to anyone?

17 THE WITNESS: He was a bully. Like my friend
18 Megan Pinkley went out with him, and he was really
19 possessive.

20 GRAND JUROR: In what way?

21 THE WITNESS: Like didn't want her talking to
22 anybody else, and just stuff like that.

23 GRAND JUROR: More jealousy and --

24 THE WITNESS: Yeah.

25 GRAND JUROR: Controlling, kind of?

K. Steinhoff

1 THE WITNESS: Yeah.

2 GRAND JUROR: Well, this may not be the right
3 thing to say, but I would say, young lady, that you should
4 sit yourself down and think very hard about everything that
5 transpired during that time, and try to figure out what you
6 did say and what you didn't say. Because just like everybody
7 said here, you're tail end is sitting on the line. And this
8 I forgot, I don't know --

9 GRAND JUROR: (Indiscernible.)

10 GRAND JUROR: -- to us, sounds like a way out.

11 THE WITNESS: It's not a way out. I don't. I
12 would --

13 GRAND JUROR: But you need to sit down and think
14 about this stuff, and somewhere, I would say in the -- we
15 could ask Paul to bring you back, if you can remember
16 anything whatsoever. Because right now you're not telling us
17 anything that's helping us in any which way --

18 THE WITNESS: It's because I don't know anything.
19 I would have told you. I would have told a long time ago. I
20 don't know anything that would have helped you guys. He
21 didn't tell me anything. I wasn't there. I didn't see
22 anything.

23 GRAND JUROR: Well, what I've been alluding to is
24 the fact that everybody else is saying that Kristen said
25 this, Kristen said that. Kristen says, I was driving the

K. Steinhoff

1 car. I ran over her. I backed up and ran over her twice
2 because she wasn't dead the first time.

3 THE WITNESS: What?

4 GRAND JUROR: All of these reports.

5 GRAND JUROR: A lot of people.

6 GRAND JUROR: And a lot of people are saying
7 that.

8 GRAND JUROR: That you were running around
9 talking about it.

10 GRAND JUROR: And if you're saying that --

11 THE WITNESS: Well, everybody was talking about
12 it.

13 GRAND JUROR: If you did say that, you've got to
14 dig into your memory and come up with, Yes, I did say that to
15 try to make myself look like the big person on campus or
16 whatever. And -- because right now everything that's been
17 said points toward Kristen Steinhoff.

18 THE WITNESS: This is bullshit.

19 GRAND JUROR: I'm sorry, but that's just exactly
20 the way we have heard and listened. (Indiscernible) --

21 GRAND JUROR: So the fact that it's ten years ago
22 doesn't help.

23 THE WITNESS: What?

24 GRAND JUROR: It doesn't help you either, just I
25 don't remember, it was ten years ago, I was doing a lot of

K. Steinhoff

1 drugs.

2 THE WITNESS: I was. I didn't do anything --

3 GRAND JUROR: I understand, but --

4 THE WITNESS: -- that was really that important
5 that night, to remember every little detail.

6 BY MR. FRASIER:

7 Q. I want to ask you, if you were so hung up on
8 drugs, how do you know you didn't kill Leah Freeman?

9 A. I know for a fact.

10 Q. Okay. And if you know that for a fact, why don't
11 you know this other stuff as a fact?

12 A. I don't know.

13 Q. See? There we go.

14 GRAND JUROR: Who'd you drive around with that
15 night?

16 THE WITNESS: Nick.

17 GRAND JUROR: And who? Anyone else?

18 THE WITNESS: Maybe Ricky.

19 GRAND JUROR: Maybe, or yes?

20 THE WITNESS: Maybe. I'm not sure. I don't
21 remember exactly. I don't know.

22 GRAND JUROR: Why do you remember Nick and not
23 anybody else?

24 THE WITNESS: Because I remember me driving
25 around with him, looking for her.

K. Steinhoff

1 GRAND JUROR: This after he tried to have sex
2 with you?

3 THE WITNESS: Yeah.

4 (Pause.)

5 GRAND JUROR: Did you hang out with him the rest
6 of the night?

7 THE WITNESS: No.

8 GRAND JUROR: Were you with him in -- where were
9 you until 6:00 in the morning?

10 THE WITNESS: Either driving around or at my
11 grandma's house, or out at Hernan's. I can't remember
12 exactly where. I probably went all three of those places.

13 GRAND JUROR: With Nick? All night?

14 THE WITNESS: No, not with Nick all night. I was
15 only with him a short period of time to look for Leah, and
16 that was it.

17 GRAND JUROR: And that was a little after 9:00,
18 you said?

19 THE WITNESS: It was sometime after 9:00.

20 GRAND JUROR: And then you never saw Nick after
21 that?

22 THE WITNESS: I seen him once when I went to the
23 car wash to spray the car -- air freshener in the car, and he
24 was at Fast Gas.

25 GRAND JUROR: And the rest of the night you

K. Steinhoff

1 didn't see him?

2 THE WITNESS: No.

3 GRAND JUROR: Why would you go to the car wash to
4 spray air freshener?

5 THE WITNESS: Because I don't like the smell of
6 stale cigarettes.

7 GRAND JUROR: I mean, did you get it from the car
8 wash?

9 THE WITNESS: Yeah. They have the little
10 mechanical sprayer --

11 GRAND JUROR: Okay.

12 THE WITNESS: -- you put 75 cents in and spray
13 it.

14 GRAND JUROR: Okay. Just asking.

15 GRAND JUROR: But you're absolutely sure you were
16 not with Nick the rest of the night after that?

17 THE WITNESS: I'm sure.

18 GRAND JUROR: And where did you leave Nick?

19 THE WITNESS: At my grandma's house.

20 GRAND JUROR: Did he have a vehicle there?

21 THE WITNESS: Mm-hmm.

22 GRAND JUROR: You left Nick at your grandma's
23 house?

24 THE WITNESS: No, when we came back from looking
25 for her, and couldn't find her, then he got his car and left.

K. Steinhoff

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1 GRAND JUROR: From where?

2 THE WITNESS: My grandma's house.

3 GRAND JUROR: And what did you do?

4 THE WITNESS: I can't remember exactly what I
5 did. Either drove around or --

6 GRAND JUROR: And he never came back the rest of
7 that night?

8 THE WITNESS: Hmm-mm.

9 GRAND JUROR: You're --

10 GRAND JUROR: But you didn't get back until 6:00?

11 THE WITNESS: Yeah.

12 GRAND JUROR: I've got a question going back,
13 sorry to back up. But your first encounter with Nick on that
14 day was at the Econo-Rooter?

15 THE WITNESS: Yeah.

16 GRAND JUROR: He was there at -- was he on a
17 phone?

18 THE WITNESS: I didn't see him on a phone. I
19 seen him walking around, pacing in circles, saying he
20 couldn't find Leah.

21 GRAND JUROR: And no vehicle, because -- I mean
22 that's -- you just don't recall a vehicle?

23 THE WITNESS: No, the -- there was no vehicle
24 there at all.

25 GRAND JUROR: Was it dark?

K. Steinhoff

1 THE WITNESS: Yeah. The only thing that was
2 lighting it up was that one street light right there on
3 the -- the highway, kind of.

4 GRAND JUROR: So -- well, you said you drove
5 around with him around nine o'clock. Did you see him after
6 that, walking around?

7 THE WITNESS: I didn't see him walking around,
8 after that.

9 GRAND JUROR: No, where you say --

10 GRAND JUROR: The Econo-Rooter.

11 GRAND JUROR: You said it was dark when you saw
12 him on the (indiscernible)?

13 THE WITNESS: Yeah, it was when I was taking Zack
14 home.

15 GRAND JUROR: That -- so that's your first --
16 that was your first encounter with him on that night?

17 THE WITNESS: Yeah.

18 GRAND JUROR: If it was dark, that's after 9:00.
19 That had to have been least nine o'clock.

20 THE WITNESS: Yeah.

21 GRAND JUROR: And then when did you pick him up
22 to go look for -- he -- where did you meet --

23 THE WITNESS: No, he came -- he came to my
24 grandma's house.

25 GRAND JUROR: In his car at that -- then he was

K. Steinhoff

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1 in his car at that point?

2 THE WITNESS: Yeah. Mm-hmm.

3 GRAND JUROR: Why did he come to your grandma's
4 house?

5 THE WITNESS: Because I said if he didn't find
6 Leah I'd drive him around and help him find Leah.

7 GRAND JUROR: So his car was --

8 THE WITNESS: He said that they had got in an
9 argument and she took off walking and he couldn't find her.

10 GRAND JUROR: Okay. And it stood out in your
11 mind that it was odd that he didn't have a car there?

12 THE WITNESS: Yeah. It was really odd, because
13 there was nobody around.

14 GRAND JUROR: But he showed up to your house in a
15 car?

16 THE WITNESS: Yeah.

17 GRAND JUROR: So why did -- why would he need you
18 to drive him around?

19 THE WITNESS: I don't know.

20 GRAND JUROR: They got in an argument?

21 THE WITNESS: Yeah. He said they got in an
22 argument and she took off walking, and he couldn't find her.

23 GRAND JUROR: Where did this argument happen?

24 THE WITNESS: I can't remember. I don't think he
25 even said where it happened. They just said -- they were

K. Steinhoff

1 arguing and she took off walking.

2 GRAND JUROR: Was -- when you came back from the
3 Green Acres area, with Zack's car, was he still at the Econo
4 place?

5 THE WITNESS: Huh-uh. I went straight to my
6 grandma's house, and then he showed up at my grandma's house.

7 GRAND JUROR: And what car was he driving then?

8 THE WITNESS: I'm not sure. Either the Mustang
9 or the Thunderbird. I can't remember exactly which one.

10 GRAND JUROR: Can't remember which one?

11 THE WITNESS: Huh-uh.

12 GRAND JUROR: So he showed up there and then --

13 THE WITNESS: But when he did show up there, I
14 noticed that he was wearing different clothes.

15 GRAND JUROR: And that's when you guys were
16 sitting there and he tried to have sex?

17 THE WITNESS: Mm-hmm.

18 GRAND JUROR: Right after he showed up and was
19 supposedly looking for his girlfriend?

20 THE WITNESS: Yeah.

21 GRAND JUROR: And then you got in the car and
22 looked for his girlfriend after that?

23 THE WITNESS: Mm-hmm.

24 GRAND JUROR: And you never saw -- how long do
25 you --

K. Steinhoff

1 THE WITNESS: We drove around maybe a half an
2 hour.

3 GRAND JUROR: So say it was 9:30, so you -- back
4 at your house at 10:00? And you never saw him after that?

5 THE WITNESS: I seen him one time at the Fast
6 Gas.

7 GRAND JUROR: And that was early in the morning?

8 THE WITNESS: Yeah.

9 GRAND JUROR: And we have testimony saying that
10 you were on your porch with him, twilight --

11 THE WITNESS: I don't remember being --

12 GRAND JUROR: -- the next morning. Probably
13 around the time that you -- right before you probably took
14 that car back.

15 THE WITNESS: I don't remember being on the porch
16 with him at all.

17 GRAND JUROR: That was from your mother.

18 THE WITNESS: When I came home. I don't remember
19 being on my porch with him at all.

20 GRAND JUROR: Nick and Ricky.

21 Don't remember none of that, huh?

22 THE WITNESS: No.

23 GRAND JUROR: This isn't to embarrass you or
24 anything. Year-wise, about how long do you think you were
25 involved in just the whole life with meth and that type of

K. Steinhoff

1 situation you were in then?

2 Just roughly?

3 THE WITNESS: Mm, I did it once when I was 13.
4 My mom gave it to me. And then I started doing it really
5 heavily when I was 16 or 17.

6 GRAND JUROR: And how long did that --

7 THE WITNESS: Till I was 19.

8 GRAND JUROR: Do you hang out with a lot of
9 different people? Do you --

10 THE WITNESS: Did I hang out with a lot of
11 different people?

12 GRAND JUROR: But did you see a lot of different
13 situations, people on meth? Did you see anybody -- do you
14 feel like it would bring anger out of somebody? Or violence?

15 THE WITNESS: No.

16 GRAND JUROR: You said Nick started looking like
17 he was doing meth. So he was losing weight?

18 THE WITNESS: Yeah. I have pictures of me and
19 him, and yeah. You could totally tell that he was on
20 something.

21 GRAND JUROR: Pictures from where?

22 THE WITNESS: From when I lived over by Safeway.

23 GRAND JUROR: When was that? Before or after
24 this took place?

25 THE WITNESS: Before.

K. Steinhoff

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1 BY MR. FRASIER:

2 Q. Do you still have those pictures?

3 A. Yep.

4 Q. Will you give them to us?

5 A. Yeah.

6 Q. We'll ask the police --

7 A. I was actually going to bring them, but I -- I
8 don't know. I didn't know if you guys would want them.

9 Q. I'll send the police to come and get them. All
10 right?

11 MR. FRASIER: Any other questions for her?

12 Well, before I turn you loose, what that
13 gentleman said at the end of the table is right on. Because
14 there's people out there that have thrown you under the bus,
15 and you need to figure out --

16 THE WITNESS: I would have told if I knew
17 anything or not.

18 MR. FRASIER: I'm just --

19 THE WITNESS: I know. I heard.

20 MR. FRASIER: I'm telling you, you need to sit
21 down. You need to figure out -- you know, you just need to
22 have a -- what some people say, a Come-to-Jesus talk.
23 Because what that gentlemen told you at the end of the table
24 there is spot on. All right?

25 Anything else?

R. McNeely

1 Okay. You're done.

2 **TESTIMONY OF RAY McNEELY**

3 (Witness sworn.)

4 BY MR. FRASIER:

5 Q. First of all, this is the grand jury for Coos
6 County, as I'm sure you're aware. And we have turned on the
7 recorders. You're being recorded, okay?

8 A. Yep.

9 Q. First of all, could you tell us your name and
10 your occupation, please.

11 A. Ray McNeely, police officer for the City of
12 Coquille.

13 Q. And how long have you been with the City?

14 A. Coming up on five years, this October.

15 Q. I want to direct your attention here in the last
16 three, four, five weeks. Well, you've been -- by Chief
17 Dannels, you've kind of been made the de facto in charge of
18 this investigation police officer from the Coquille Police
19 Department?

20 A. Yes. Yes.

21 Q. In the last few weeks, did you have an
22 opportunity to speak with Tina Mims, I believe, otherwise
23 known as Tina Lehman?

24 A. Yes.

25 Q. Okay. Now, during the interview you had with

Jaime Thurman

1 having is like -- and I think it goes all the way back to
2 high school, would have been a lowrider pickup truck of some
3 sort. That's what I remember him driving, but I -- I don't
4 know him as an adult at all. I only knew him back from high
5 school.

6 And then obviously the community links that his
7 name has been brought up in this also.

8 GRAND JUROR: Do you remember the color?

9 THE WITNESS: Pardon me?

10 GRAND JUROR: That lowrider pickup, do you
11 remember the color?

12 THE WITNESS: I just remember he was one of those
13 guys that had like bass, and lowrider pickups were -- I don't
14 know. I honestly -- I don't even -- I don't know.

15 MR. FRASIER: Okay. Any other questions?
16 Everybody's looking at me like I think they're done.

17 All right. Anything else you want to tell us?

18 THE WITNESS: I think I'm good.

19 MR. FRASIER: Okay. All right. Thank you,
20 ma'am. You're free to go.

21 **TESTIMONY OF JAIME THURMAN**

22 (Witness sworn.)

23 BY MR. FRASIER:

24 Q. And could you tell you name, please, sir.

25 A. Jaime Thurman.

Jaime Thurman

1 Q. Mr. Thurman, this is the grand jury for Coos
2 County, and we're looking into the death of Leah Freeman.
3 It's kind of obvious, but I have to tell you we're recording
4 everything, okay? And I just need to find my sheet here.

5 Mr. Thurman, could you tell us, sir -- well,
6 right now, where do you currently live?

7 A. Redmond.

8 Q. And how long have you lived in Redmond?

9 A. About seven, eight years.

10 Q. And do you know Nick McGuffin?

11 A. No.

12 Q. How about Leah Freeman, did you know them?

13 A. No, I didn't know her.

14 Q. How about Bill Sero?

15 A. I knew Bill.

16 Q. How did you know Bill?

17 A. Um, let's see, when I lived out Riverton I --
18 he -- I knew he dated some girl that -- I guess they were
19 broke up at the time and I started messing around with her,
20 and then found out that she was dating him. And then -- and
21 after that I run into him at Safeway because of that, and
22 that was about it.

23 Q. We've kind of -- the reason we brought you over
24 here today -- well, let me back up a second. You know Tom
25 Stemmerman, don't you?

Jaime Thurman

1 How do you know Tom?

2 A. I -- he's the -- he's my age. I used to party
3 with him, back in '93, '94, somewhere around there.

4 Q. When was the last time you saw Bill and/or Tom?

5 A. Uh, long time before this happened, I know that.

6 Q. Well, the reason I brought you over here today is
7 we've had some people that have been interviewed, and as part
8 of this investigation we've been -- what? 900-some-odd
9 people have been con -- have been named in the reports and
10 this and that and the other. And some of the information we
11 have is that they've been quoting you as saying Bill Sero
12 told you that he killed Leah Freeman.

13 A. No.

14 Q. Okay. So Bill Sero never told you that --

15 A. No. If he did, I would tell you, because I don't
16 like the guy.

17 Q. Has Bill Sero told you anything --

18 A. Hmm-mm.

19 Q. -- about Leah Freeman?

20 A. Absolutely not.

21 Q. How about Tom Stemmerman, has he told you
22 anything about Leah Freeman?

23 A. Nope.

24 Q. Now, there's been this rumor floating around town
25 that Bill Sero and/or Tom were in a car and might have run

Jaime Thurman

1 her over. Have you heard that rumor?

2 A. No.

3 Q. Okay.

4 A. Um, I mean, I've heard that rumor, but I think by
5 them finding the shoe at the graveyard --

6 Q. Yeah.

7 A. -- they kind of put two and two together and
8 thought that that's probably what happened.

9 Q. Did -- I guess what I'm trying to get at, is it
10 possible that maybe when you were drinking or partying you
11 might have repeated the rumor or anything like that?

12 A. No. No. They -- the detectives came out to my
13 house and I -- the reason -- what I knew was because of Lisa
14 Michaud or whatever her name was --

15 Q. Alicia.

16 A. -- she was running her mouth and -- to me, and
17 then somehow they must have had a party, and then the
18 detectives came out and talked to me after that.

19 Q. What did Alicia tell you about that? What has
20 she told you about that?

21 A. I don't remember.

22 Q. Okay.

23 A. One thing I do remember is that I -- you know, I
24 drove Lee Valley Road probably twice a day, to my uncle's
25 house and back home. And she was with me one time, and I --

Jaime Thurman

1 right where they found her, there was a road that went -- I
2 don't know if that's where they found her up there, but a
3 road that went off Lee Valley Road and kind of dead-ended.

4 And I drove down there in my little Luv, and she
5 started freaking out.

6 Q. Okay.

7 A. So that told me that, you know, maybe -- and this
8 was before they found her -- that she knew something was
9 going on.

10 Q. Okay.

11 A. So I -- I called -- I don't know who I called,
12 but --

13 Q. Where is this little road on Lee Valley, that
14 you're talking about?

15 A. Well, after you hit the gravel, you go -- I think
16 the road goes ten miles or something down that road. Turns,
17 and then turns again. Makes a couple of turns, and there's a
18 really sharp turn, and then it kind of goes into a long
19 straight shot. And then there's -- if you're on going
20 towards Myrtle Point, the road kind of goes, unh (phonetic),
21 and then stops.

22 Q. Okay. Well, this is a map over here. Maybe I'll
23 just come over here.

24 This is Lee Valley Road, and this is where the
25 body was found. Does that look anywhere close to where

Jaime Thurman

1 you're talking about?

2 A. Came over there -- was that gravel right here?

3 Q. Yes, I believe so.

4 A. I think Jim Judson's (phonetic) right there.

5 Yeah, it's pretty damn close right there, because
6 there's a straight stretch there, and --

7 Q. There's a big wide spot, kind of like a rock pile
8 or something.

9 A. It was right past that, yeah.

10 Q. Right past that, okay.

11 A. And about two turns, I think, past that.

12 Q. All right.

13 A. And I also, I think the day before that, before
14 they found her -- or after they found her, I saw some pickups
15 sitting out there. I don't remember what I said, but there
16 was a pickup sitting right by that road, and then I called
17 and gave information about it, so.

18 It's been a long time.

19 Q. When you knew Bill Sero, what kind of rig did he
20 have? What kind of --

21 A. He never drove when I knew him.

22 Q. What? Excuse me.

23 A. He never drove when I knew him.

24 Q. Okay.

25 A. But Alicia Michaud's the one that I think that --

Jaime Thurman

1 Q. She's the one --

2 A. She's the one that knew a lot, because she
3 disappeared after --

4 Q. Right. Okay.

5 Is there anything else about this case that you
6 think the grand jury ought to know about?

7 A. Nothing that I --

8 Q. Okay.

9 A. Most of my stuff, besides that driving the road
10 every day. And other than that, that's -- everything else is
11 probably hearsay.

12 MR. FRASIER: Does the grand jury want to ask him
13 any questions?

14 GRAND JUROR: Yes.

15 You said you went down this road and she -- she
16 freaked out --

17 THE WITNESS: She just wanted to get out of
18 there. She was --

19 GRAND JUROR: And you said this is before they
20 found the body?

21 THE WITNESS: Yeah. I think it was a couple of
22 days before that. And then I -- yeah, that was -- it was
23 probably a couple of days before that. Could have been
24 before or after, I'm not -- you know, it's been a long time.

25 MR. FRASIER: When she --

Jaime Thurman

1 GRAND JUROR: When --

2 THE WITNESS: Well, she had to -- it had to have
3 been before, because, you know, why would she freak -- she
4 was disappeared after -- after that. Had to have been --
5 actually, it had to have been way before, had to have been,
6 you know, a month. Because I think she disappeared before
7 they even found her body.

8 BY MR. FRASIER:

9 Q. Okay. She went into rehab.

10 A. Yeah. Yeah, that's right. She did go in rehab.

11 Q. And the police had contact with her --

12 A. I thought she went into protective custody,
13 but --

14 Q. Yeah. She went to rehab.

15 GRAND JUROR: Whose idea was it to drive down the
16 road?

17 THE WITNESS: I was just messing around with her,
18 you know, man.

19 BY MR. FRASIER:

20 Q. When she freaked out, what was she saying, to the
21 best --

22 A. She wanted to get out of there -- out of there.
23 She wanted out of there.

24 Q. Did she say why?

25 A. No. Not until afterwards, when I probably

Jaime Thurman

1 realized when they -- where they found her, that that's
2 probably why. She -- that she knew. You know, to me it
3 sounded like that she knew a lot, I mean, but she wasn't
4 telling anybody anything.

5 Q. All right.

6 GRAND JUROR: That pickup you seen, was it a
7 lowrider?

8 THE WITNESS: No. I think it was a bigger diesel
9 pickup, but I can't be positive. It wasn't, definitely a
10 lowrider. People -- lowriders wouldn't drive that road.
11 That's pretty -- a pretty back road, especially when they
12 took the grader down it.

13 GRAND JUROR: When -- do you have a Chevy Luv --
14 you had a Chevy Luv --

15 THE WITNESS: I had a Chevy Luv pickup.

16 GRAND JUROR: What color was that?

17 THE WITNESS: Blue and -- blue and white, with a
18 canopy on it. Little four-wheel drive.

19 But, yeah, I drove that road twice a day, at
20 least twice a day, because my -- I lived clear outside of
21 Myrtle Point, and my uncle lived right by Four Corners, so I
22 was back and forth. You know, and I thought maybe I might
23 have saw the person that dumped them, but -- no clue. I
24 mean, I actually got -- they came to my work telling me I was
25 trying to elude them. I didn't know there were cops sitting

Bradley Michaud

1 out there. I was -- at the time I was driving my Nova, and I
2 just went down. I knew the roadblock was there, and that was
3 the road I took all the time, and I hate going all the way
4 over to Coquille and back to Myrtle Point. And I drove out
5 to the gravel pit and there was a white car sitting there, so
6 I did a cookie and headed back to my uncle's because -- just
7 checking to see if the roadblock was there, because I think
8 they found her body that -- that day or the day before. And
9 I went back to my uncle's and they came to my work the next
10 day, thinking I was trying to elude them. I said, No, that's
11 how I drive. (Laughter.)

12 BY MR. FRASIER:

13 Q. Anything else?

14 A. No, I don't -- it's been so long that --

15 MR. FRASIER: Okay.

16 Any other questions from the grand jury?

17 Okay, sir. That will do it. You're free to go.

18 THE WITNESS: All right. Thanks.

19 MR. FRASIER: Thank you.

20 GRAND JUROR: Thank you.

21 **TESTIMONY OF BRADLEY MICHAUD**

22 (Witness sworn.)

23 BY MR. FRASIER:

24 Q. Sir, this is the grand jury for Coos County, and
25 we're looking into the death of Leah Freeman.

1

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF COOS

STATE OF OREGON,

Plaintiff,

V.

NICHOLAS MCGUFFIN,

Defendant.

Tuesday, August 3, 2010

GRAND JURY PROCEEDINGS

Testimony of James Olson (CD 050)

APPEARANCES:

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1 COQUILLE, OREGON; TUESDAY, AUGUST 3, 2010

2 -o0o-

3 TESTIMONY OF JAMES OLSON

4 (Witness sworn.)

5 BY MR. FRASIER:

6 Q. First of all, Dr. Olson, this is a grand jury for
7 Coos County, and we've been the last few days looking into
8 the death of Leah Freeman.

9 A. Mm-hmm.

10 Q. And it's obvious I turned the recorder on. I
11 have to advise you I'm recording you, so -- (laughs).

12 Earlier today we had some technical difficulties
13 with the recorder at the autopsy (indiscernible), so he was
14 giving me a hard time about whether I can work these things
15 or not. (Laughter.)

16 Well, first of all, could you tell us your name,
17 please, your occupation, and a little bit about your
18 educational background.

19 A. James Norman Olson, MD.

20 I'm a physician. I do -- after high school, a
21 long, long time ago, I went to the University of Washington
22 and graduated with a Bachelor of Science in zoology. Then to
23 University of Washington medical school, with an MD degree.
24 And then trained both there and at Tacoma General Hospital in
25 Tacoma, Washington, in pathology. I'm board certified in

1 anatomic, clinical, and forensic pathology. I've been
2 practicing in this area since July of 1976.

3 Q. And as part of your duties you're also the
4 medical examiner for Coos County?

5 A. Right, I am. Coos County is one of seven
6 counties I cover in the southwest corner of the state. Coos,
7 Curry, Douglas, Jackson, Josephine, Klamath, and Lake
8 Counties are the district that I cover as the deputy state
9 medical examiner.

10 Q. And part of your duties then, sir, is to also do
11 what's sometimes referred to as a forensic autopsy?

12 A. Yes. Yes.

13 Q. Could you just tell the grand jury basically what
14 a forensic autopsy is.

15 A. Well, it's -- after a briefing by the
16 investigating agencies, law enforcement agencies, we -- in an
17 average case, do a complete autopsy on the remains of the
18 individual. Many of our cases are natural deaths, and not as
19 complex as this case, or even one we had this morning. We
20 describe -- or I describe all of the unique identifying
21 features of the individual, and injuries external, and then
22 their internal component of injuries, and document those in a
23 report.

24 So it's basically -- serves the purpose of
25 determining cause and manner of death in an individual that's

1 not under the care of a physician, or in any death that's
2 suspicious, even if it is under the care of a doctor.

3 Q. Now, cause and manner of death, can you explain
4 that to the jury.

5 A. Well, the cause -- cause is the actually
6 physiologic event, such as a heart attack. Manner of death
7 is in the categories of natural, suicide, homicide,
8 accidental, undetermined. I mean, there are cases on
9 occasion that we really cannot come up with a true cause of
10 death, and depends on the situation the -- such as skeletal
11 remains.

12 Q. Now, in the situation we're talking about here,
13 the -- I think this would have been in August of 2000, were
14 you asked to do an autopsy or an examination of the remains
15 of Leah Freeman?

16 A. I was. And the autopsy was performed ten years
17 ago tomorrow, at the Douglas County morgue in Roseburg,
18 Oregon. Ironically, she was actually found today, ten years
19 ago, about two hours later in the day.

20 Q. Could you tell the grand jury what type of an
21 examination you did, what you can tell us about the remains.

22 A. Well, and initially I began with getting x-rays
23 of the body to see if there were any foreign bodies such as
24 bullets, portion of a knife that might have broken off, or
25 something of that nature, as well as any obvious breaks,

1 fractures of the bones.

2 Then a careful external description of the
3 remains as they were received in a body bag was made,
4 documenting all of the findings.

5 There really wasn't, essentially, an internal
6 component to this. I did open the head. The brain was
7 totally decomposed. All of the internal organs were
8 decomposed beyond any useful studies and evaluation. So
9 essentially what we had is a full -- or almost a full
10 skeleton. A couple of small bones were missing. And the
11 very dried, discolored skin and clothing that were attached
12 to the body and held it together.

13 Q. In examining the body, the bone structure, are
14 there things you can look for that if a knife was used to
15 kill her, or if she'd been shot -- are there things you can
16 look for in the skeletal remains?

17 A. Well, we went over every bone, and found no
18 evidence of sharp-force trauma such as a knife wound. Found
19 no evidence of ballistic trauma, bullets. No obvious blunt
20 trauma to the body. There were just no marks that could be
21 found on the remnants of the skin, as well as the bones
22 themselves, that suggested a mode of her death at that point.

23 Q. Some people -- I don't know if anybody's told you
24 this. There's been a rumor floating around town that Leah
25 Freeman had been hit by a car and either incapacitated or

1 outright killed by being hit by a car. Did you see any type
2 of injury, in looking at her, that would verify that type of
3 a scenario?

4 A. No. No, I did not.

5 Q. In this case, you -- when you completed your
6 autopsy, you ruled that the manner of death was homicide.
7 Could you explain to the grand jury, please, what -- how you
8 came to that conclusion.

9 A. Um, this is a case of a young girl, healthy, that
10 disappears inexplicably, and is found dumped at a remote
11 area, probably six, seven miles from the town of Coquille, I
12 guess. Dumped down a ditch. There's just nothing natural
13 about that death. I mean, if she had collapsed in public,
14 why would she be there? Could she have died of a drug
15 overdose? We found nothing to corroborate that.

16 We were fortunate in that there was enough -- she
17 wasn't totally decomposed. There was some muscle in the
18 right calf that I was able to harvest. We sent it for
19 toxicology and that was completely negative. So all of the
20 common abused drugs as well as illicit -- legal and illegal,
21 were not present or identifiable in her body to suggest that
22 possibility. So with the possibility of one consideration,
23 did she die of a drug overdose and was dumped because the
24 people that gave her the drugs didn't want to be
25 incriminated? Well, there's no -- there are no drugs that

1 were identifiable.

2 The death is clearly unnatural. There's no
3 reason for her to have died at age 15 of natural causes, nor
4 to be disposed of in the way that she was.

5 The case is very similar to other cases, two of
6 which I have going in other counties in the district, of
7 girls who had gone missing even earlier than Leah Freeman,
8 and were not found for years and years later. One is the
9 Stephanie Condon case, in Douglas County, and the other one
10 is the Kaelin Glazier case in Jackson County. And both of
11 those are down to complete skeletal remains, with Condon only
12 partial remains. On that body we were able to identify
13 injuries to the skull which are highly suspicious and didn't
14 appear to be post-mortem. On the Glazier case, while the
15 skull is -- while everything's intact and there are no
16 injuries to the bones, there was -- and this is not for any
17 public distribution or dissemination, there was duct tape
18 wrapped around the face, still identifiable. I mean, clearly
19 not a natural death.

20 We don't know precisely what killed either of
21 these two young girls, and comparable age to this -- to Leah
22 Freeman. But you obviously have an unnatural death, and one
23 that's highly suspicious for a homicide.

24 In this particular case it's the same situation.
25 You just -- it's not natural, the way she's found. We can't

1 precisely delineate what happened to her.

2 And I had a case last year of two guys that
3 killed another fellow in Douglas County, and it was obvious
4 the guy -- the kid had been dead about the same time as Leah
5 Freeman, and had been -- showed advanced decomposition, with
6 almost no organs left at all because of the -- you know,
7 temperatures that prevail, especially on the other side of
8 the mountains this time of year, and the insect activity.
9 But he had been hit with an ax; that we could verify. In
10 this case it's already been to trial, and both these guys
11 have been convicted. And so much of the left side of the
12 face and head was crushed, so no -- no problem with the ax
13 part.

14 Unbeknownst to me -- because the maggots
15 preferentially start at natural body openings as well as any
16 unnatural ones from wounds, and they greatly expand them as
17 well as making their own holes as they gradually eat a body,
18 which is essentially what their function is -- is that
19 subsequent to that, I was asked is it possible he had his
20 throat slit? Well, one of the defendants in that case said
21 he slit his throat as an act of mercy. And I went over all
22 of the neck organs. There wasn't anything left except the
23 bones. Could not find a mark on him.

24 And you have the defleshing of the entire head,
25 and then all the way down to here, like this. Well, a single

1 knife wound to the neck is not going to produce a hole that
2 big. And all I can say in that case is yes, it's possible.
3 There's nothing that excludes that possibility, but at the --
4 simultaneously, there's nothing that proves it either.

5 So -- but it's still, you know, on the basis of
6 confessions and everything else, it went to a successful or a
7 guilty verdict in that case.

8 But in this case we don't have much, but we also
9 have a lot that's missing. We don't have any of the internal
10 organs to evaluate. Much of the skin has been consumed and
11 destroyed.

12 And could she have been strangled? Easily.
13 Could have very been -- could have been strangled, and we'd
14 never, at that state of decomposition and loss of tissue,
15 been able to identify anything to prove it at all. Had we
16 found her the same day she was strangled, it would have been
17 an easy determination to make.

18 Was it likely she was shot? Probably not. I
19 mean, maybe in the abdomen or something, but no bone injuries
20 to corroborate it. No skin injuries.

21 Could she have been stabbed? Yeah, she could
22 have been stabbed or she could have had her throat cut; we'll
23 never know. Just like this fellow I just described.

24 Could she have died of blunt trauma and not had
25 fractures of the skull? Absolutely. We just had a case I

1 did for Siskiyou County in California, Yreka, of a
2 24-year-old lady that had gone missing back in April at a
3 party, had witnessed a -- she -- her boyfriend got angry at
4 her and tackled her and proceeded to beat her, and then
5 buried her in a remote location. And subsequently somebody
6 else came forth and said where the body was buried. She was
7 significantly decomposed, but not to the extent Leah Freeman
8 was.

9 But I was able to find a huge blood clot on the
10 surface of the brain, even though the brain was down to
11 just -- just about falling apart in your hands. And couldn't
12 find all the bruises because the skin was discolored, dried,
13 and -- but still, I mean, you could certainly corroborate and
14 make a -- the accounts, as well as make a determination that
15 she died of blunt force trauma. And the point being is that
16 she did not have a fracture. There were no fractures of her
17 skull.

18 So could Leah Freeman have been beaten to death?
19 Yes, she could have been.

20 So we're -- we have a case that -- clearly not a
21 natural death. It does not appear to be a drug overdose. No
22 reason to ascribe it to the accidental category because I'm
23 not finding injuries that would -- would suggest she was run
24 over or fell any great distance or anything like that.

25 So we have a young woman that disappears, nobody

1 comes forth, she's ultimately found, ironically on the very
2 day we're -- you know, ten years ago today.

3 And you can't -- you can't ignore the fact
4 this -- you know, this is a highly suspicious death. And who
5 while I don't have the precise means of -- to say that -- how
6 she was killed, it's a homicide till proven otherwise.

7 Q. In this case you were also made aware, weren't
8 you, that at least one of her shoes had been found with --

9 A. Yes.

10 Q. -- some -- what at the time was described as high
11 velocity blood spatters on it?

12 A. Yes.

13 Q. Did that play in here?

14 A. It did. I mean, there's no reason for her to be
15 bleeding, in a natural death. I mean -- or even a drug
16 overdose, it would be highly unlikely.

17 GRAND JUROR: Where would that blood have come
18 from?

19 THE WITNESS: Don't know, without the --

20 GRAND JUROR: Could it have come from her?

21 THE WITNESS: Could have come from her mouth.

22 GRAND JUROR: (Indiscernible.)

23 THE WITNESS: She could have been coughing it,
24 expectorating it. It's odd that it's on the sole of her
25 shoe, unless it was off her body at that point.

1 GRAND JUROR: There was nothing on the top of the
2 shoe?

3 THE WITNESS: Apparently not.

4 GRAND JUROR: So she stepped into it?

5 THE WITNESS: Yeah. And --

6 GRAND JUROR: Or was --

7 THE WITNESS: Or the shoe wasn't in its normal
8 position.

9 GRAND JUROR: But when they're decomposed like
10 that, there's no way of finding out if she bled out or --

11 THE WITNESS: No, because there are no -- she had
12 virtually no identifiable internal organs left. There was
13 just no way to assess the injury, internally or externally.

14 GRAND JUROR: There was no blood on the clothes,
15 or anything --

16 THE WITNESS: Well --

17 GRAND JUROR: -- except for the shoe?

18 THE WITNESS: -- the problem with the clothing at
19 that stage is it's just soaked in tissue fluid. As you
20 decompose, you just sort of go back to a primordial ooze.
21 Fluid comes out. It's pretty grotesque. But it soaked all
22 the clothing, and in -- in this particular case the clothing
23 is discolored and starting to deteriorate, and I don't
24 believe we found anything that looked suspicious for a
25 gunshot wound, a knife wound, or anything.

1 GRAND JUROR: So she could have been smothered,
2 even?

3 THE WITNESS: Yeah.

4 GRAND JUROR: Suffocated.

5 THE WITNESS: She could have been beat up and
6 suffocated. We just don't know.

7 GRAND JUROR: On the drug test, um, that would --
8 like say if you were in a trunk and you get carbon monoxide
9 and that, would that show up in the blood work?

10 THE WITNESS: No. If she's dead already, no.

11 GRAND JUROR: But so if it was like a --

12 THE WITNESS: It depends, one, on the car, I
13 mean, if truly that's going to happen. If -- not all cars
14 are that badly constructed that any CO comes up into the car.

15 GRAND JUROR: Mm-hmm.

16 THE WITNESS: But no, she -- she was -- we tested
17 the muscle, and apparently is was a good sample.
18 Amphetamines, methamphetamine were negative. Cocaine, its
19 metabolites were negative. Morphine, blood organic basis.
20 So, you know, as many drugs as possible, especially the ones
21 that were most like to have been -- to come into a play in a
22 death like -- if it had been a drug overdose, were all
23 negative.

24 We were -- we were fortunate. There was actually
25 an area of her body that was relatively protected from the

1 elements as well as the animals. It was just the right leg.
2 Its position was out of the sun. There was enough muscle
3 that was in good shape that could be harvested, even after
4 five weeks, and used for this testing, so.

5 GRAND JUROR: When -- with this, I mean,
6 obviously it's a homicide, but no real clear indication of
7 how?

8 THE WITNESS: No. Hmm-mm.

9 GRAND JUROR: How does that play out as far as
10 proving it in court that this particular person did
11 something, because we don't -- we can't say he did anything.

12 THE WITNESS: Well, it's -- it's clearly a lot
13 harder. It's clearly a lot harder, and cases like this tend
14 to be very tough ones. And sometimes they linger on for
15 years and years --

16 GRAND JUROR: Right.

17 THE WITNESS: -- because burden of proof is -- it
18 just isn't quite enough to take it, either to a grand jury or
19 any form of arrest and indictment. But, you know, in two of
20 these cases that I just described in other counties, you
21 know, they finally just got enough to get over the edge. I
22 mean, fortunately those girls had evidence of injuries, so --
23 or homicidal violence modalities, especially the one with the
24 duct tape, that, you know, are far more compelling to a grand
25 jury -- or any of us, you know -- for homicide.

1 But this case, it just doesn't add up any other
2 way. And we may never know unless somebody, you know --

3 GRAND JUROR: Comes forward.

4 THE WITNESS: -- confesses. And I don't know
5 that that's likely.

6 GRAND JUROR: You said almost all the bones were
7 found?

8 THE WITNESS: Yeah, a few -- I think a few minor
9 hand bones were probably taken away by animals.

10 GRAND JUROR: The blood on her -- the bottom of
11 her shoe was tested and proven to be hers?

12 THE WITNESS: As far as I understand. I had
13 nothing to do with that, but I'm -- was made aware of that --

14 MR. FRAZIER: And you have the lab report in
15 that --

16 GRAND JUROR: Okay.

17 MR. FRAZIER: -- in there, that shows that.

18 GRAND JUROR: I just wondered, on the bottom of
19 her shoe, I just thought maybe in a struggle she kicked the
20 person, and made him bleed, and got his blood on it.

21 THE WITNESS: And it's her blood, though.

22 GRAND JUROR: I assumed that you --

23 (Cell phone ringing, turned off.)

24 GRAND JUROR: I assumed checked to see whether
25 she had anything like fingernails, anything under the

1 fingernails, struggling with someone.

2 THE WITNESS: We had -- we had -- somebody
3 describe that --

4 GRAND JUROR: -- she's -- apparently was a person
5 who was really a go-getter and probably wouldn't have just
6 submitted unless she was knocked unconscious.

7 THE WITNESS: We found no injuries.

8 GRAND JUROR: Nothing that could have --

9 THE WITNESS: No.

10 GRAND JUROR: -- suggested that she had -- she
11 resisted an attack?

12 THE WITNESS: No.

13 BY MR. FRAZIER:

14 Q. And just so we're clear, one of the rumors
15 floating around town is that -- well, there was people say
16 that whoever did this to her had cut all her fingers off and
17 pulled her teeth and cut her braces and --

18 A. No. Because --

19 Q. -- things like that.

20 A. -- really graphically, x-rays showed the full set
21 of upper and lower braces. All of her teeth were there. Two
22 dentists came to the autopsy near the end and identified her,
23 and all of her -- hands and fingernails are given a lengthy
24 description in my report.

25 MR. FRAZIER: Well, I don't think I have anything

1 else to ask Dr. Olson.

2 Does the grand jury have anything else you'd like
3 to ask him?

4 GRAND JUROR: Is it possible, or likely -- it
5 doesn't sound likely, but is it possible she was hit by a car
6 without any breakage of bones and other evidence given when
7 we found her?

8 THE WITNESS: Be pretty unlikely. I mean, it
9 just really would be unlikely. Yeah, usually you see
10 fractures of the legs and --

11 GRAND JUROR: If she had had road rash, would you
12 have seen it?

13 THE WITNESS: Not -- not at that stage.

14 GRAND JUROR: Not at that point?

15 THE WITNESS: No.

16 MR. FRAZIER: Okay. Any other questions for
17 Dr. Olson?

18 Okay, sir. All done.

19 THE WITNESS: All righty. Thank you.

20 GRAND JUROR: Thank you.

21 (End of recording.)
22
23
24
25

--oOo--

I certify, by signing below, that the foregoing pages 1
through 17, inclusive, constitute a correct transcript of
.wav recordings provided of the above-entitled matter, this
14th day of February, 2011.

PEGGY S. JILLSON, TRANSCRIBER

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1 sorry -- about it at all, or --

2 THE WITNESS: Uh, no.

3 GRAND JUROR: -- did your mother, or anything?

4 THE WITNESS: No. He -- my sister was married to
5 his brother for a while. He wasn't really somebody that hung
6 around the family much.

7 MR. FRASIER: Any other questions?

8 Okay. I think you're free to go.

9 **TESTIMONY OF MELISSA BEEBE**

10 (Witness sworn.)

11 BY MR. FRASIER:

12 Q. First of all, this is the grand jury for Coos
13 County.

14 A. Mm-hmm.

15 Q. And we're looking into the death and
16 disappearance of Leah Freeman.

17 First of all, I think you saw me do it, but we've
18 got two different recording devices going, recording the
19 proceedings here today.

20 A. Okay. Okay.

21 Q. First of all, could you tell us your name and
22 where you live.

23 A. Melissa Beebe. And I live in -- out Ring Creek
24 Road here in Coquille.

25 Q. And how long have you lived there?

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1 A. I've lived out there about a year. I've lived in
2 Coquille all my life.

3 Q. And you're related to Leah Freeman?

4 A. Yes.

5 Q. How are you related?

6 A. She's my cousin.

7 Q. All right. I need to get this out so the grand
8 jury knows. You've had some trouble with the law in the
9 past?

10 A. Oh, absolutely. Yes.

11 Q. And would you tell them what kind of trouble
12 you've had with the law.

13 A. Well, in the past I've had drug and alcohol
14 issues, and I've had several years now clean of drugs. I had
15 some domestic disputes with my former mate, and -- and lost
16 my children over that. And I've -- have got them back, in
17 the meantime. So.

18 Q. All right. So have you ever had anything like
19 forgeries and --

20 A. Oh, no, no, no. No.

21 Q. None of -- nothing like that?

22 A. No.

23 Q. It's just been drug-related?

24 A. Right.

25 Q. Okay.

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1 A. And it's been many years ago, over ten years ago.

2 Q. All right. Okay. I asked you to come in today
3 because I want to talk to you about a situation involving
4 Nick McGuffin. Do you know Nick?

5 A. I do.

6 Q. And how do you know him?

7 A. I know Nicholas through him being Leah's
8 boyfriend.

9 Q. In 2003, you wrote a letter or a note regarding
10 an incident that occurred on November 3rd, 2003, outside the
11 courthouse, correct?

12 A. Correct.

13 Q. And you gave that to Sergeant Zanni of the
14 Coquille -- or, excuse me, the Coos County Sheriff's Office,
15 correct?

16 A. Correct.

17 Q. I want to show to you here -- does that appear to
18 be a copy of the note that you --

19 A. Oh, yes. Mm-hmm. I have a pocket -- one in my
20 pocket right now, as well. Mm-hmm.

21 Q. All right. On November the 3rd, 2003, you were
22 here at the courthouse, were you not?

23 A. Yes.

24 Q. In fact you were right out here at the bottom of
25 the stairs up front?

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1 A. Correct.

2 Q. And did you see Nick McGuffin then, at that time?

3 A. I did.

4 Q. And was he with a young girl?

5 A. Yes, he was.

6 Q. Did you happen to see her out in the hallway here
7 today? Do you recall if --

8 A. No, I don't recall. She was a blonde girl, the
9 one that I saw him with that day.

10 Q. Okay. All right. And then they came down the --
11 did they come down the stairs past you as you were outside
12 the courthouse?

13 A. Yes.

14 Q. And as Nick was passing you by, did you make eye
15 contact with him?

16 A. Yes.

17 Q. Did you say anything to him?

18 A. Yes. (Laughs.)

19 Q. What did you say to him?

20 A. I asked him how court went.

21 Q. And how did he respond back to you?

22 A. He turned to me and -- and said, Really good.
23 Really good.

24 And then I couldn't keep my mouth to myself
25 because I -- of the dispute with Leah and Nick. And I said

M. Beebe

1 to him, It's a lot better than you should be -- than it
2 should have been for you, something on the -- on that terms.

3 Q. All right. Now, he's got this girl. Does he put
4 his arm around her?

5 A. Mm-hmm. He was -- I think he was -- had his arm
6 around her the whole way out.

7 Q. And did he go down to the sidewalk?

8 A. Mm-hmm.

9 Q. Did they cross the street?

10 A. They crossed the street.

11 Q. Did they -- did he turn around and look at you?

12 A. Yes, he did.

13 Q. Did he give you a grin?

14 A. Yes, he did.

15 Q. What did he do then?

16 A. He then -- excuse me.

17 Q. Go ahead.

18 A. He then stated, "It's amazing what you can get
19 away with in Coos County now, isn't it?" This was his exact
20 words to me. And I -- I'll never forget that. (Crying.)

21 Thank you.

22 Q. What happened after he said that to you?

23 A. Mm, well, he just -- he -- there was -- he was
24 talking to a gentleman and a woman that I found out later I
25 believe is his attorneys.

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1 Q. Okay.

2 A. I'm not certain on that. He kissed that girl,
3 and -- and they got in their truck and I'll just never forget
4 the look on his face, of -- he was just so devious looking.
5 And I know he -- what he was getting at. He was referring
6 to -- I believe in my heart he was referring to my cousin's
7 murder.

8 Q. You recall him saying, "It's amazing what you can
9 get away with in Coos County?"

10 A. Exactly what he said to me.

11 MR. FRASIER: Thank you.

12 That's all the questions I have for her. If
13 you'd like to ask her any additional questions.

14 GRAND JUROR: Have you seen him since?

15 THE WITNESS: Um, matter of fact I have seen him
16 since. It's been quite a few years ago, I worked down at
17 Bandon Dunes and he also worked down there. And I ran into
18 him in the hallway there, and he didn't say anything to me
19 then. He just gave me one of those snarky little grins,
20 and -- and I was in the hallway by myself, and I just fled
21 immediately. I didn't want no part of it, you know. I don't
22 want any more problems, or anything like that. Because he --
23 matter of fact, because he scares me, you know.

24 So -- and then I think I've only seen him a
25 couple of times, driving by or something, since then.

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1 BY MR. FRASIER:

2 Q. As this may come up at a later time, did you do
3 anything when you were working out there at the Dunes -- did
4 you do anything like go to management and say, Hey, look, you
5 got Nick McGuffin working here --

6 A. Uh, yes. Actually my Aunt Cory and I both worked
7 there, and we both -- we both did that.

8 Q. And why did you go to management about that?

9 A. Because he'd -- he intimidated me. I -- for me.
10 I can only speak for me. Just being around him intimidated
11 me.

12 Q. Were you trying to get him fired?

13 A. You know, I don't think I was trying -- maybe
14 that's what I was doing. I think I was just letting them
15 know the situation.

16 Q. Okay.

17 A. And the uncomfortableness of that.

18 Q. What type of work was he doing at the --

19 A. Um, it was something with the golf, you know, and
20 I don't know. I worked in the restaurant, and he didn't -- I
21 don't even know how to play the game golf, so something out
22 on the golf course.

23 Q. Okay. At the bare minimum, were you asking that
24 he be kept away from you --

25 A. Yes.

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1 Q. -- at work?

2 A. Mm-hmm.

3 Q. All right. But as far -- and your aunt -- Aunt
4 Cory was working out there too?

5 A. Mm-hmm. Yes.

6 Q. What was she doing out there?

7 A. She also worked at -- she was the hostess in
8 the -- in the little pub there, and I was a busser/waiter
9 there.

10 MR. FRASIER: All right. Any other questions you
11 want to ask?

12 GRAND JUROR: At that time did he know -- did he
13 find out that you had gone to management? Was there any
14 repercussions from you going to management, for you or for
15 him?

16 THE WITNESS: No. I don't believe he --

17 GRAND JUROR: Did they just go --

18 THE WITNESS: I think they just --

19 GRAND JUROR: -- whatever?

20 THE WITNESS: Yeah, it was like that. And then I
21 just stopped working. I quit on my own because I just -- I
22 couldn't handle the intimidation of seeing him there. It
23 just bothered me.

24 GRAND JUROR: When Nick and Leah were having a
25 relationship, did they get along good together?

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1 THE WITNESS: Um, yeah, it appeared -- it
2 appeared that way, but I found out later, of course, that --
3 that it really wasn't as good as she wanted it to be. Um --
4 excuse me. He -- I remember him buying her flowers quite a
5 few times. A couple of times, like dozens of roses and
6 stuff. And later on having conversation with Leah, finding
7 out that they'd had a fight. Ending up -- being an abuser,
8 or coming from someone that's been in domestic violence, I
9 understand that people abuse you and then they try to reward
10 you with gifts to make it better.

11 GRAND JUROR: Do you think it was abuse or do you
12 think it was just one of them teenage things?

13 THE WITNESS: At first I thought it was just a
14 teenage thing, but then after I heard more statements of like
15 things that had happened at the school, and slapping her and
16 stuff like that, I think it was escalating. Over a period of
17 time it was getting worse.

18 GRAND JUROR: Did she ever confide in you and say
19 that she -- he had slapped her?

20 THE WITNESS: No. She'd never -- she always
21 tried to make it okay.

22 GRAND JUROR: Okay.

23 THE WITNESS: Yeah. You know, she was 15 and she
24 was in love, so she thought -- you know.

25 GRAND JUROR: Did you ever see her with bruises?

M. Beebe

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1 Any evidence? Physical evidence?

2 THE WITNESS: No, but my mother -- my mother
3 worked at the school, and she -- she saw him dragging her by
4 her backpack a couple -- I think it was two different
5 occasions if I'm correct.

6 BY MR. FRASIER:

7 Q. Who's your mother?

8 A. Terry Middleton.

9 Q. Okay.

10 A. Yeah. And there was a couple of altercations, I
11 believe, at school, that Mrs. Bloomquist (phonetic) had --
12 had noticed too.

13 GRAND JUROR: At that time, were you aware that
14 Leah might have been using drugs? Or were aware that she did
15 use drugs?

16 THE WITNESS: I don't -- I didn't think Leah was
17 using drugs at all. I was aware that he was using drugs.

18 GRAND JUROR: Had you seen him use drugs?

19 THE WITNESS: I hadn't seen him. I have never
20 seen him use the drugs. I know the people he was -- some of
21 the people he was running with, and I know that they were
22 using drugs. And being a drug addict myself, I could see the
23 signs of it, but I never, ever saw him personally use drugs.

24 BY MR. FRASIER:

25 Q. There's some questions I -- I've been asking

M. Beebe

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1 everybody, that we're going to ask you questions too.

2 A. Okay. Mm-hmm.

3 Q. Has anybody -- outside of what you've told us
4 here today, has anybody told you that they killed Leah
5 Freeman?

6 A. No.

7 Q. Has anybody told you that they saw what happened
8 to Leah Freeman?

9 A. No.

10 Q. Did you have anything to do with Leah
11 Freeman's --

12 A. No.

13 Q. Okay. Outside of what you told us here today, is
14 there anything else you think the grand jury needs to know?

15 A. Um, I know I probably can't even say the word,
16 can I?

17 Q. No.

18 A. Okay.

19 Q. I think I know where you're going, and no, you
20 can't talk about that.

21 A. Yeah. I can't say the word. Okay.

22 GRAND JUROR: The P word.

23 GRAND JUROR: Yeah, the P word.

24 THE WITNESS: Yeah, I can't say it.

25 MR. FRASIER: Yeah, you know the word.

M. Beebe

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1 THE WITNESS: Just his behaviors after Leah went
2 missing were very, very strange. His -- he was ver -- his
3 behaviors were very strange. Being her boyfriend, you would
4 think that he would be there for the family, being
5 supportive, being -- and instead of insulting and doing
6 terrible things to us, you know, you would think he would be
7 at our doorstep saying, "I never did anything to her." But
8 he -- he just eventually just drifted completely away from
9 us. You know, that's probably the best way I could put that.

10 GRAND JUROR: On the day you met him here at the
11 courthouse, when he made the comment about the -- getting
12 away with things in Coos County, did he make any effort
13 whatsoever to just direct that at you, without anybody else
14 hearing? Or was it just open for anybody to hear?

15 THE WITNESS: It -- it was open for anybody to
16 hear. It was open for anybody to hear, because he -- I was
17 standing right there, and he was cross -- I believe he was
18 all the way across the street when he -- so he actually had
19 to kind of holler it, you know, loud enough for me to hear.

20 MR. FRASIER: Okay. Anything else?

21 GRAND JUROR: At that time, he was with what you
22 thought was his attorney?

23 THE WITNESS: I -- I think so. They were -- he
24 was at court, and I believe that the -- the elder gentleman
25 and the woman that he was speaking to at the outdoor site, I

M. Beebe

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1 believe that was his attorneys.

2 BY MR. FRASIER:

3 Q. But there was another girl, a younger girl he was
4 with?

5 A. Yes, yes.

6 Q. And that's who he had his arm around?

7 A. Right. Correct.

8 GRAND JUROR: So there were four of them over
9 there?

10 THE WITNESS: Right. Mm-hmm.

11 GRAND JUROR: And did he say what he said with
12 his attorneys?

13 THE WITNESS: Yes, all -- they were all three,
14 plus him. So all four of them were standing right there?

15 GRAND JUROR: Theoretically they all heard it?

16 THE WITNESS: Yes, absolutely. I don't -- I
17 don't know how they couldn't have.

18 GRAND JUROR: Did you see any reaction from the
19 other two people when he said that?

20 THE WITNESS: They just got in their vehicle and
21 left.

22 MR. FRASIER: Okay. Any other questions?

23 All right. I don't think we have any other
24 questions.

25 THE WITNESS: Fine.

A. Shinar

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1 MR. FRASIER: You're free to go.

2 THE WITNESS: All right. Thank you very much.

3 **TESTIMONY OF ADAM SHINAR (BREWER)**

4 (Witness sworn.)

5 BY MR. FRASIER:

6 Q. Sir, this is the grand jury for Coos County, and
7 we're looking into the disappearance and death of Leah
8 Freeman.

9 A. Okay.

10 Q. The first thing I need to tell you, it's obvious,
11 but I turned on a couple of recorders here.

12 A. Yes.

13 Q. We're recording everything. All right?

14 A. Okay.

15 Q. First of all, could you tell the grand jury,
16 please, your name and where you live.

17 A. Okay. My new full name is Adam J. Shinar, and I
18 live at 94342 Sether Street Lane. And that's in North Bend,
19 Oregon.

20 Q. And you say it's your new full name?

21 A. Yes, I was just married on October 12th, to my
22 wife J.V. Shinar, and I took her last name.

23 Q. Oh, okay.

24 A. So -- yeah. Just clear confusion.

25 Q. Okay. I --

M. Brugnoli

1 just a very vague memory, but I do remember that.

2 Q. I've been asking everybody that I can recall,
3 I've been asking these questions. Has anybody told you that
4 they killed Leah Freeman?

5 A. No, they have not.

6 Q. Has anybody told you that they saw what happened
7 to Leah Freeman?

8 A. No, they have not.

9 Q. Outside of what you've told us here today, do you
10 have any information regarding Leah Freeman's death?

11 A. No, I do not.

12 MR. FRASIER: Thank you, sir. I don't have any
13 more questions. Does the grand jury want to ask him
14 anything?

15 Okay. I think that's it.

16 THE WITNESS: All right. Thank you.

17 MR. FRASIER: You're free to go.

18 THE WITNESS: Have a good day.

19 **TESTIMONY OF MELISSA BRUGNOLI**

20 (Witness sworn.)

21 BY MR. FRASIER:

22 Q. First of all, this is the grand jury for Coos
23 County, and they're looking into the death/disappearance of
24 Leah Freeman.

25 I think it's obvious, I've got two different

M. Brugnoli

1 recording devices we're recording the proceedings. I just
2 need you to be aware of that. All right?

3 A. Okay.

4 Q. First of all, could you tell us your name,
5 please.

6 A. Melissa Brugnoli.

7 Q. And do you live here in the Coquille area?

8 A. Mm-hmm.

9 Q. How long have you lived here?

10 A. All my life.

11 Q. Are you acquainted with or did you know an
12 individual named Leah Freeman?

13 A. Yes.

14 Q. How did you know Leah?

15 A. I went to school with her.

16 Q. How about Nick McGuffin?

17 A. Yes.

18 Q. And how did you know Nick?

19 A. Just from school, and then Leah and Nick being
20 together.

21 Q. Okay. I think from your statement there you've
22 indicated that -- well, let me ask you this: Were Nick and
23 Leah boyfriend/girlfriend?

24 A. Yes.

25 Q. How was their relationship? How well did they

M. Brugnoli

1 get along, that type of thing?

2 A. Just like any other typical high school
3 relationship that I remember. I mean, they fought, they got
4 along. Just the normal relationship, that I can remember.

5 Q. I was looking here in the interview you had with
6 the police, I think in the year 2000. You indicated you saw
7 Nick and Leah get angry with each other on occasion?

8 A. Well, like the typical, you know, arguments
9 that -- they were both jealous people, so just fighting back
10 and forth.

11 Q. You indicated, according to the police reports I
12 have, the only violence you ever saw was one occasion when
13 Leah was grabbed by both arms by Nick. Do you recall that?

14 A. I -- I honestly -- I don't recall that. It
15 wouldn't surprise me, but I don't recall it.

16 Q. How was Nick in terms of the relationship with
17 Leah, in terms of -- well, was he controlling?

18 A. Um, I don't know if controlling's the word I
19 would look for, but jealous, maybe.

20 Q. All right. Again, I have from your statement in
21 2000, Nick was very jealous and would not tolerate Leah being
22 with other guys.

23 A. Well, yeah. Definitely. He -- she wasn't really
24 allowed to hang out with any other guys.

25 Q. Do you know about any drug use that either Nick

M. Brugnoli

1 or Leah may have been involved in?

2 A. Not any -- like maybe smoking pot, but.

3 Q. Okay. I -- going again back to your statement,
4 "She knows that Nick and Leah would smoke marijuana
5 together?"

6 A. Yeah.

7 Q. Okay. How did you know that they were smoking
8 marijuana together?

9 A. Just the hearsay. I mean, and she told me that
10 they had.

11 Q. The night that Leah disappeared, you were --
12 where were you?

13 A. I was at home.

14 Q. And you have at least told the police in 2000 you
15 had no idea what happened to Leah. Is that right?

16 A. Yes.

17 Q. Okay. There's some questions I've been asking
18 everybody, and I'll just go ahead and ask you those questions
19 too. Has anybody told you that they killed Leah Freeman?

20 A. No.

21 Q. Has anybody told you that they saw what happened
22 to Leah Freeman?

23 A. I -- I've heard stories, but no one in particular
24 told me that they had saw what happened.

25 Q. You've heard a rumor around town or something

M. Brugnoli

1 about her being run over by a car --

2 A. Yeah.

3 Q. -- or something like that?

4 A. Yes.

5 Q. Have you heard names associated with that rumor?

6 A. Yes. I heard Bill Sero, Alicia Michaud, and
7 whoever Alicia Michaud's boyfriend was at that time.

8 Q. Tom Stemmerman?

9 A. I just heard that name today, but --

10 Q. Okay. But Alicia Michaud and Bill Sero are the
11 names you've heard with that?

12 A. Yes.

13 Q. Have you talked with either one of those
14 individuals?

15 A. No.

16 Q. And the information you got, how did you get that
17 information, the best you can recall?

18 A. Mm, I mean just hearsay. Like I said, I couldn't
19 tell you who told me, but I've heard that story numerous
20 times from many people.

21 Q. So I take it you have no firsthand knowledge
22 about what happened to Leah?

23 A. Mm, no.

24 Q. All right. That just -- I've been asking people
25 this too. You had nothing to do with Leah's disappearance,

J. Lindegren

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1 right?

2 A. No.

3 MR. FRASIER: All right. I don't think I have
4 any other questions for Ms. Brugnoli. Does the grand jury
5 want to ask her anything?

6 Okay. Free to go.

7 THE WITNESS: All right. Sorry I wasn't that
8 much help.

9 **TESTIMONY OF JOHN LINDEGREN**

10 (Witness sworn.)

11 BY MR. FRASIER:

12 Q. Sir, this is the grand jury for Coos County, and
13 we're looking into the disappearance of Leah Freeman and her
14 death.

15 A. Mm-hmm.

16 Q. Okay? And first of all, I've got to tell you,
17 you saw me do it, but we've got two different recording
18 devices recording the proceedings. Okay?

19 A. Yes, sir.

20 Q. All right. Mr. Lundegren [sic] -- well, first of
21 all, could you tell us your name and where you live, please.

22 A. John James Lindegren. 115 in Myrtle Point.
23 It's -- it's on the Ash over there in Myrtle Point.

24 Q. How long have you lived over in Myrtle Point,
25 sir?

R. Bryant

COQUILLE, OREGON; WEDNESDAY, AUGUST 4, 2010

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TESTIMONY OF RICHARD BRYANT

(Witness sworn, appearing telephonically.)

BY MR. FRASIER:

Q. Mr. Bryant, this is the grand jury for Coos County, and we are looking into the death of Leah Freeman. I need to tell you that we are recording the proceedings here today, so I just want you to be aware that we're recording, all right?

First of all, could you tell us your full name and your -- and what city you live in, sir.

A. Richard Ernest Bryant. I live in John Day, Oregon.

Q. And Mr. Bryant, you're currently in the custody of the Grant County jail; is that correct?

A. Yeah, unfortunately.

Q. Ah. You're there on a probation violation; is that correct?

A. Yeah.

Q. What -- I guess I have to ask you this, sir. What felony convictions do you have?

A. Um, a felony conviction? I got one in 2000 for possession of controlled substance, and that's the only felony conviction I have.

R. Bryant

1 Q. Right. And what are you on probation for now?

2 A. My -- well, my wife at the time now, when she was
3 20 I bought alcohol for her, we drank together. And she's 24
4 now, and that's what I'm on probation for. I bought alcohol
5 for her four years ago.

6 Q. Okay. So furnishing alcohol to a minor, is that
7 the charge?

8 A. Yeah. Yeah.

9 Q. All right. Sir, did you used to live in the Coos
10 County area?

11 A. Yeah, in Coquille.

12 Q. And when was that?

13 A. Um, from '90 -- '91 or so, to 2001 or '2.

14 Q. All right. While you were here, did you know an
15 individual named Nick McGuffin?

16 A. I did.

17 Q. And how well --

18 A. Yeah.

19 Q. How well did you know him, sir?

20 A. Um, pretty good at the time, since fifth grade,
21 you know. That's when I started to go -- going to school
22 there in Coquille. And I knew him from fifth grade till I
23 moved.

24 Q. All right.

25 A. I mean pretty good in a way. We hung out quite a

R. Bryant

1 bit, you know, talked a lot. Did some illegal things, you
2 know. Doing drugs, drinking, stuff like that, you know.

3 Q. What type of drugs?

4 A. Um, meth, pot, mushrooms. I mean, pretty much
5 anything you really get your hands on, at the time. I mean,
6 we were young, so --

7 Q. Right. Did you know Leah Freeman at all?

8 A. I did.

9 Q. Yeah. How well --

10 A. That was his girlfriend at the time.

11 Q. Okay. How well did you know her?

12 A. Um, I didn't know her as well as I knew him. I
13 knew her, you know, pretty good by -- you know, who she was.
14 She was always with him. I knew her sister, her stepsisters,
15 her stepbrothers, her mom, stuff like that. I mean, her
16 personally, I knew her, but, you know, not that well.

17 Q. You mentioned that Nick and Leah were
18 boyfriend/girlfriend. How well did they get along?

19 A. Um, to the -- to their parents, to the outside,
20 it looked like they got along really well. But they were
21 constantly arguing and fighting, all the time. I mean, it
22 just seemed like it was just an ongoing battle between. I
23 don't know what they were fighting about. They were -- it
24 seemed like they were always fighting. But on the outside,
25 when people would ask if there -- everything's all right,

R. Bryant

6

1 everything was fine.

2 Q. When you say fighting, was it mostly -- was it
3 all verbal? Was there any physical problems, in terms of
4 somebody hitting somebody?

5 A. Um, I'm not too sure about the physical part. I
6 mean, they would argue a lot, and you know, one would -- she
7 would take off walking or something like that. And, you
8 know, he'd be like, Whatever. Screw you. And he would go
9 his way, and the next thing you know, the -- it was like
10 nothing happened.

11 Q. Okay.

12 A. So mainly verbal, from what I seen and heard.

13 Q. Now, you're aware that Leah Freeman disappeared
14 in the latter part of June of 2000; is that right?

15 A. Yeah. I -- I couldn't personally remember the
16 exact date, but, yeah, I know about that. I remember.

17 Q. When did you first learn or how did you first
18 learn that Leah Freeman was missing?

19 A. Um, from Nick, actually. I was living on Dean
20 Street in -- I think it was Apartment 9, there in the Dean
21 Street apartments. And it was probably 6:00 of -- 6:00, 6:30
22 in the morning, there was a knock on my door. And I opened
23 the door and it was Nick. And, you know, from my observation
24 I would say he'd been up all night, you know, doing some meth
25 or whatever. His eyes were all bugged out and he kept

R. Bryant

7

1 telling me that Leah was missing and something had happened
2 to her. And I was like, What are you talking about? I was
3 like, What do you mean, she's missing, something's happened
4 to her? And he had a picture of her, and he was holding the
5 picture up to me, going, She's missing, something's happened
6 to her.

7 I was like, Nick, I've known you for getting on
8 eight years or whatever. I know what she looks like. I
9 don't need to see a picture of her. And he was like, No,
10 something's happened, she's missing.

11 And that was just the weirdest -- weirdest thing
12 I've ever experienced with Nick. And that's when I learned
13 that she'd allegedly been missing or something had happened.
14 I didn't really know she was missing till a couple -- like a
15 day or two after that.

16 Q. All right. Now, at some point in time, both you
17 and Nick were in jail together; is that right?

18 A. Yeah, it was that one -- oh, I would say it was a
19 couple of months after she had gone missing, I would think.

20 Q. And you actually shared a cell with him?

21 A. Yeah.

22 Q. What, if anything, did Nick McGuffin tell you
23 while you were in jail together?

24 A. Um, you know, we talked quite a bit. He had
25 begun another relationship with a -- with a girl that was

R. Bryant

1 underage, that lived on -- on Charleston Road. Between
2 Coquille and Charleston there was that little road going over
3 the mountain. I've forgot what it was called. It was --

4 Q. Libby Drive?

5 A. Yeah. Or -- Libby Road or Libby Drive, yeah.

6 Well, he would go over that way to go see her.
7 He wasn't supposed to see her, and that's what he was in jail
8 for, for violating either a restraining order or seeing her
9 or something.

10 Well, he was telling me about Leah, and he was
11 starting to talk about her, and I was like, you know, Well,
12 what's going on then; how you feeling? Because, you know,
13 when you're in jail, emotions just drain out of you. And he
14 just started bawling, and I was like, What's going on? He
15 was like, I can just -- I can see her laying there, and I
16 couldn't do anything to help her, and I can't do anything
17 about it.

18 And I'm just going, Holy crap, man. I don't want
19 to hear about this. And -- you know, and I actually told him
20 to shut up because I -- I really didn't want to hear about
21 it. I didn't know if he was just going and talking and
22 talking, or if he -- this was stuff actually coming out.
23 And, you know, I was basically trying to comfort him at the
24 time because he was freaking out about being in jail and
25 nobody was bailing him out.

R. Bryant

1 He said that, you know, about the Leah case,
2 they -- his parents weren't going to let nothing happen to
3 him, and they would make sure he got a lawyer and -- you
4 know, stuff like that.

5 And I told the jail guard about it after it
6 happened, because he left my cell. And I told him, I was
7 like, You know, I don't know if this is going to mean
8 anything, but, you know, this is kind of what he told me, but
9 nothing ever happened.

10 Q. Okay. Do you know anything else about Leah
11 Freeman's disappearance or death?

12 A. Uh, I just -- you know, we hung out with some
13 really shady characters. And around that time when this was
14 starting to go on, I do know that like Aaron West and
15 whatnot, and them, took a polygraph --

16 Q. Okay. We can't talk about that, okay.

17 A. Oh, sorry.

18 Q. It's all right.

19 A. But those people were like -- you know, around
20 that time, were just freaking out. And, you know, they
21 wouldn't leave my place. I don't know why. It was just -- I
22 don't know, they wouldn't leave me. And they were acting
23 really weird around this whole time.

24 Q. Did you know a Tom Stemmerman?

25 A. It sounds really familiar, but I don't think so.

R. Bryant

1 Q. Okay. How about Bill Sero?

2 A. Bill Sero -- yeah. Yeah. Um, I do know him. He
3 actually makes me really nervous, just even talking about him
4 right now. That guy kind of scares me half to death.

5 Q. Yeah. Has Mr. Sero ever told you that he killed
6 Leah Freeman?

7 A. No. No, he never told me that flat-out. I was
8 in jail with him too.

9 Q. Okay. I assume you've heard a rumor that
10 Mr. Sero or Mr. Stemmerman may have run her over with a car?

11 A. I did hear something about that. It's coming to
12 hear, but I thought it was about another gal that may have
13 done it, but I've heard something about it.

14 Q. Okay. Alicia Michaud?

15 A. Yeah. Alicia Michaud and, um -- uh, Stephanie --
16 I can't remember her name right now. Stephanie something.

17 Q. Do you remember the name Kristen Steinhoff?

18 A. That's who it was, Kristen. That's who I was
19 thinking of. Not Stephanie, Kristen Steinhoff.

20 Q. Has anybody told you that they were involved in
21 the death of Leah Freeman?

22 A. No.

23 Q. Has anybody told you that they saw what happened
24 to Leah Freeman?

25 A. Um, no, not -- not really, other than what kind

R. Bryant

1 of Nick was saying to me. Other than, I see -- you know, I
2 can see her laying right there and I couldn't really do
3 anything to help her. You know, stuff like that. Other than
4 anyone else, no.

5 Q. Is there anything else you think the grand jury
6 needs to know about this case?

7 A. I don't -- I don't think so.

8 MR. FRASIER: All right. Does the grand jury --
9 do you guys want to ask him any questions?

10 GRAND JUROR: The mention of Aaron West, Aaron
11 West and who were acting funny?

12 THE WITNESS: Um, oh, let's see. Who -- who all
13 was it? It was Aaron. Nick was acting really -- Nick was
14 acting really funny throughout the whole thing.

15 GRAND JUROR: Right.

16 THE WITNESS: Um, you know, it was mainly Aaron,
17 on that part. Because he -- he was at my house for like two
18 weeks after all this was going down. And, you know, he got
19 questioned and whatnot, and he was just -- basically, it was
20 like he was hiding at my house. And, you know, I didn't
21 think I was doing anything wrong by letting him stay there,
22 considering there was no charges or anything, so.

23 MR. FRASIER: Okay.

24 THE WITNESS: So.

25 MR. FRASIER: Any other questions?

S. Haight

1 GRAND JUROR: You said the -- Bill Sero, his name
2 still bothers you because he was -- had you seen him be
3 violent before?

4 THE WITNESS: Oh, yeah. Very, extremely.

5 GRAND JUROR: Hit -- hit people?

6 THE WITNESS: Yeah, he -- I've watched him slap
7 people. I've seen him hit a guy across the face with a gun.
8 He -- he had lots of guns. Just violent, and it was, you
9 know, stuff that I wouldn't want to ever experience again,
10 being around those type of people. You know. Unfortunately,
11 it was a bad place that I put myself, you know, doing drugs
12 and stuff like that. But, you know, he was a scary guy.

13 MR. FRASIER: Okay. Any other questions?

14 None? Okay.

15 Mr. Bryant, that will do it, and thank you.

16 THE WITNESS: You're welcome. Thank you.

17 **TESTIMONY OF STACY HAIGHT (NAPIER)**

18 (Witness sworn.)

19 BY MR. FRASIER:

20 Q. First of all, this is the grand jury for Coos
21 County, and we are looking into the death, disappearance and
22 death of Leah Freeman.

23 A. Correct.

24 Q. Okay? It's obvious, but I turned on a couple of
25 recorders, and I've got to tell you we're recording this.

L. Cook

1 walk with the dog, it was anywhere from 10 minutes to a half
2 an hour, he would walk the dog. And --

3 GRAND JUROR: Okay. And was it your impression
4 that he saw Leah while he was walking the dog? Or after he
5 returned the dog, started home, oh, and then forgot something
6 and came back.

7 THE WITNESS: Well, I assumed it was after he had
8 come back, but it could have been at -- while he was walking
9 the dog. But I always assumed it was when he was headed for
10 home.

11 GRAND JUROR: Do you recall about what time that
12 was, after he walked the dog, started home?

13 THE WITNESS: (Sighs.) 9:30-ish. Right in
14 there. I guess. That's a -- again, ten years. That's a --
15 just from the coming and going. It could have been as -- it
16 was before ten o'clock. It could have been as late as maybe
17 9:45. But I'm -- I'm still thinking it was closer to -- to
18 9:30.

19 MR. FRASIER: Okay. Any other questions for
20 Ms. Lindegren?

21 Okay. You can go.

22 THE WITNESS: Good. Thank you.

23 **TESTIMONY OF LISA COOK (COLEMAN)**

24 (Witness sworn.)

25 BY MR. FRASIER:

L. Cook

1 Q. First of all, ma'am, this is the grand jury for
2 Coos County. And we're -- or they are looking into the death
3 of Leah Freeman, and disappearance.

4 A. All right.

5 Q. It's obvious, but I turned on a recorder.

6 A. Okay.

7 Q. Two different recorders, so I'm just letting you
8 know we're being recorded here today.

9 A. Okay. Mm-hmm.

10 Q. First of all, could you tell us your name,
11 please, and where you live.

12 A. My name is Lisa Cook, and I live in North Bend,
13 Oregon.

14 Q. Now, have you -- were you previously known as
15 Coleman?

16 A. As Lisa Coleman, correct. Maiden name.

17 Q. And you've always lived in the Coos Bay or North
18 Bend area?

19 A. Correct.

20 Q. Are you familiar with an individual named Nick
21 McGuffin?

22 A. Yes.

23 Q. How did you get to know Mr. McGuffin?

24 A. About ten years ago we dated. Um --

25 Q. Okay. When was that in relation to the

L. Cook

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1 disappearance of Leah Freeman?

2 A. I think it was about maybe six months after she
3 disappeared.

4 Q. And when you say dated, how long were you dating,
5 so to speak?

6 A. Around just two to three months.

7 Q. Your father, if I remember correctly, he was or
8 is associated with the police department or the fire
9 department --

10 A. Mm-hmm.

11 Q. -- or something over there?

12 A. Was a reserve officer in North Bend a long time
13 ago.

14 Q. Did you ever meet or know Leah Freeman?

15 A. No.

16 Q. During the course of the time that you were
17 dating Mr. McGuffin, was there ever an occasion where it came
18 to light that Mr. McGuffin was a suspect or was suspected of
19 being involved with Leah -- or Leah Freeman's disappearance?

20 A. Well, I had heard that he was a suspect before we
21 had dated.

22 Q. Okay.

23 A. And then my sister was dating his cousin, and she
24 said, Oh, my boyfriend's cousin's really cute. And he --
25 he's the guy that dated Leah Freeman, but I don't think he

L. Cook

1 did it. So, I mean, I knew what I was going into at the
2 time, but, you know, when you're 18 and...

3 Q. Okay.

4 A. (Laughs.)

5 Q. All right. Was there ever a time --

6 A. Sure, let's just hang out.

7 Q. Yeah. Okay. Was there ever a time he's like at
8 the house and your dad is sitting there and saying, Okay,
9 what's the deal about this Leah Freeman thing? Was it your
10 understanding --

11 A. I --

12 Q. -- he got grilled about that?

13 A. I don't even know, honestly, if my parents really
14 ever even met him.

15 Q. Okay. All right.

16 A. I think they just kind of -- they did not approve
17 of it at all, but I was 18 and --

18 Q. Okay. When you're dating Nick, does he ever talk
19 about Leah? Did he ever talk about Leah?

20 A. So when we first stated dating, I think a couple
21 of days into it or whatnot, he had mentioned, So, you know
22 who I am? And I said, Yeah. And he said, And you know -- do
23 you have any -- you know, I'm Leah's ex-boyfriend. And I
24 said, Yeah. And -- and he said, Do you have any questions
25 about anything? And I said, No. Did you do it? And he

L. Cook

1 said, No. And I said, Well, that's all I need to know, then.

2 So I just figured it was a can of worms that I
3 didn't need to open. The past was the past, and we were just
4 moving forward.

5 Q. Did you see -- well, the reason I brought you
6 here today was because you were interviewed back in 2000,
7 2001, by the sheriff's office regarding this case?

8 A. Uh-huh.

9 Q. Do you recall speaking with a Sergeant Zanni at
10 the sheriff's office?

11 A. I can't remember the -- their names. I remember
12 speaking to some police officers.

13 Q. I think I need to find it real quick.

14 As you can see, I've got about 15 binders here.
15 I'm trying to --

16 A. (Indiscernible.)

17 Q. I think -- according to the interview here, and
18 I'll just kind of go over it with you, you advised that you'd
19 met Nick McGuffin, you kind of hit it off and started going
20 out. He'd go with you on your paper route?

21 A. Right.

22 Q. You'd deliver papers in the early morning hours?

23 A. Uh-huh.

24 Q. What paper were you delivering?

25 A. Um, it is getting that bad? Oh, golly, I can't

L. Cook

1 even remember what paper I was delivering for that long ago.

2 Q. Was it the *Oregonian*, the *Register-Guard*?

3 A. *Oregonian*.

4 Q. *Oregonian*?

5 A. (Laughing.) Right. 2:00 a.m.

6 Q. Did he ever make a statement to you that he was
7 ready to get over Leah Freeman and have a new girlfriend?

8 A. Um, I -- I'm -- I believe so. That's why we
9 started hanging out.

10 Q. All right. Did you ever see his bedroom in his
11 home?

12 A. I did go to his house once.

13 Q. And did you see in his bedroom -- well, you
14 described it in -- according to the police reports, you
15 described Nick's room -- bedroom as having been like a shrine
16 to Leah with photographs and pictures all over the room and
17 all over the walls.

18 A. And I honestly don't remember what his room
19 looked like. I can vaguely remember the living room, and --

20 Q. Okay. He had a blue Mustang that he was driving?
21 Did that --

22 A. No. He was driving a T-bird.

23 Q. A T-bird?

24 A. When we were together.

25 Q. Was there ever anything about a footprint on the

L. Cook

1 inside of a passenger window?

2 A. Right. Well, my sister had told me Leah's
3 footprints are on the dash of the window, and that he would
4 get upset if anybody would try to wipe them off. Um, and I
5 can't remember if I asked him about it or -- or said anything
6 about it, or whatnot. I think we did come across it in a
7 conversation one time, him saying that she had stuck her feet
8 up there one time or something, and...

9 Q. Okay.

10 A. But I don't really remember a lot about that.

11 Q. Did he ever get upset that he -- you're not to
12 do -- well, let's see. You started to wipe off the inside of
13 the window on the passenger side. He became upset, saying
14 you're not supposed to do that?

15 A. See, I -- I don't recall that. I read -- I read
16 the report earlier today, and I don't recall.

17 Q. Okay. Do you recall one occasion when --
18 according again to the report, where you and Nick
19 accidentally ran into or -- or not ran into with a car.

20 We were out one evening and ran into Leah
21 Freeman's sister and we -- and we --

22 A. I think we ran across her one time, mm-hmm.

23 Q. And did Nick tell you any particular way to
24 behave?

25 A. You know, I don't recall. I vaguely remember we

L. Cook

1 were -- I -- I -- I don't. I don't remember. I mean, I
2 remember seeing her, and he acted a little bit different and
3 stuff, and I don't think we acted like -- held hands or
4 anything. But I really can't remember what he may have said
5 at that point in time.

6 Q. Okay. Because I have in a report, told you
7 that --

8 A. Right.

9 Q. -- just act like friends, and not
10 boyfriend/girlfriend.

11 A. Right. I guess that's what I said ten years ago.

12 Q. Okay.

13 A. And I'm -- don't -- I don't believe I lied, so I
14 just remember saying it now.

15 Q. Did he ever get upset and start crying?

16 A. Right. So the only thing that I can remember
17 now, very distinctly, there was on occasion where it was late
18 at night, and I think it was close to when we were discussing
19 breaking up. And I can't remember if we had been drinking or
20 not, but it was really late and he was crying and he was
21 looking down at the ground and kind of fidgeting with
22 himself, you know, like -- like you could tell he was really
23 uptight and upset about something.

24 And he started to talk in third party, Nick
25 wishes this would have never happened. Nick wishes he could

L. Cook

1 go back and fix stuff. Nick loves Leah so much. And just
2 was talking in the third party.

3 And it was kind of freaking me out a little bit.
4 In a sense you want to know what happened because you've
5 heard stories, but in another sense you don't want to know
6 because -- do you really want to know? So I decided to end
7 the conversation, just because I didn't really want to know.

8 Q. I -- and just sort of looking at the report, I
9 just want to make sure I'm -- I understand this. Back in
10 2000 you say he got very teary-eyed, threw himself face on
11 the ground?

12 A. Right.

13 Q. And --

14 A. So he was sitting on the ground. I was on the
15 couch and he was on the ground next to the couch. And he was
16 upset and he was crying.

17 Q. Okay.

18 A. And that's when he was kind of being real
19 fidgety, looking downward, and --

20 Q. Pulling his hair?

21 A. Yeah, like pulling, you know, at his skin and
22 like fidgety.

23 Q. Kind of like --

24 A. Like really upset and --

25 Q. Okay.

L. Cook

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1 A. -- disturbed.

2 Q. Pounding on the floor?

3 A. I think I'm recalling something -- not like
4 angry, but just like frustrated, like uptight, upset.

5 Q. Okay. So -- and in the third person, he's saying
6 things like, Nick is so stupid, Nick is so dumb --

7 A. Right.

8 Q. -- Nick -- Nick wants things as they were. Nick
9 liked it how it was before this all happened.

10 A. Right. Mm-hmm.

11 Q. And I think you said, but you thought this was
12 odd and you didn't really want to go there?

13 A. Right. I did but I didn't.

14 Q. Okay.

15 A. Because I liked him and I just didn't want to
16 know.

17 Q. Now, did Nick ever tell you anything about
18 someone that -- who -- did he ever tell you who he thought
19 killed Leah Freeman?

20 A. Um, I think we talked about it one time, and
21 there was some sort of a mention of -- there was two other
22 guys involved, and Bill Sero. And I know that at the point
23 in time they did not talk and they did not like each other.
24 And that he had thought that he had done it. I can't re -- I
25 can't remember why he had thought he had done it, but he had

L. Cook

1 some reason, and I don't remember why.

2 Q. All right. I -- and I suppose they showed you
3 this outside. But there's Nick -- She stated that Nick one
4 time told her that Bill -- Bill Sero, does that sound
5 familiar?

6 A. Right.

7 Q. Is the one who killed Leah because when he was in
8 high school he wanted to date her and she was mean to him and
9 he was jealous of Nick, and that is why he killed her.

10 Do you recall that at all?

11 A. I -- I don't remember that, but I obviously said
12 it. (Laughs.)

13 Q. Okay. All right. Do you know Bill Sero at all?

14 A. I don't.

15 Q. Tom Stemmerman, do you know him?

16 A. Tom's the other name. I don't know them. I may
17 recognize their face in passing, but I don't personally know
18 them.

19 Q. And Alicia Michaud? Do you know her?

20 A. Name sounds familiar, but I don't, no.

21 Q. Kristen Steinhoff?

22 A. No.

23 Q. Has anyone personally told you that they killed
24 Leah Freeman?

25 A. No.

L. Cook

1 Q. Has anybody told you that they saw what happened
2 to Leah Freeman?

3 A. No.

4 Q. Okay. I've been asking everybody this question.
5 Don't take offense.

6 Did you have anything to do with Leah Freeman's
7 disappearance?

8 A. (Laughs.) No.

9 Q. Is there anything else, other than what you've
10 told us about here today, that you think this grand jury
11 should know about?

12 A. I -- you know, the police had come and, you know,
13 it's been a big deal recently, the ten-year thing, and
14 bringing about it. And it's always stories and hearsay and
15 whatnot, and I don't know if stories are worth saying or
16 whatnot, and I don't know names. But there was a girl that I
17 was working with recently, and I had told her that I had
18 talked to the police about Leah Freeman, and she had told me
19 that somebody she knew was really good friends with Nick's
20 sister, and she supposedly overheard him admitting it to the
21 sister. And I don't know if they've been brought in or
22 voiced or whatnot, but that's all I know recently.

23 Q. Nick has a sister?

24 A. No, no, no. I'm sorry. Friends with the sister.

25 Q. Of Leah?

L. Cook

1 A. No. The -- the lady that I work with, her
2 friend's sister, Nick was friends with her.

3 Q. Okay. A lady you work with.

4 A. Her friend's.

5 Q. Her friend's.

6 A. Sister.

7 Q. Her friend's sister.

8 A. Right.

9 Q. And that person says that Nick told her --
10 whoever that person is --

11 A. Said the sister overheard him telling her he was
12 upset, he was over there, he had been drinking, and he was
13 crying, and he had said something along -- she had overheard
14 him telling her that they were tripping on acid and they were
15 out driving around and they seen her and they were goofing
16 off, and so they swerved the car towards her, and that they
17 hit her. And that they had taken her and supposedly --

18 Q. And this --

19 A. -- three of them. The Bill Sero, Tom Stemmerman,
20 and Nick.

21 Q. Okay.

22 A. And that they -- also because Leah, had to do
23 something to her, so that if one's in trouble, they were all
24 going to get into trouble. But like I said, it's just
25 stories. I don't know.

L. Cook

1 Q. Okay. Who is your friend at work, if I may ask?

2 A. Um, she's just a co-worker, she's not personally
3 a friend.

4 Q. Okay.

5 A. Her name's Martha.

6 Q. Okay. And where do you work?

7 A. North Bend Medical Center.

8 Q. Okay.

9 A. And she's from Coquille.

10 Q. Okay. (Indiscernible) knows. Okay.

11 A. Right.

12 Q. Have you told the police about this?

13 A. No, I just -- they had already questioned me, and
14 then I had this.

15 Q. Because this is the first I've heard that. Well,
16 I mean, I've heard that particular version.

17 A. Story.

18 Q. Right. And --

19 A. Right.

20 Q. So --

21 A. But I don't know who the people were that she
22 heard it from, or any of that. And like I said, it's just
23 stories, and -- and she heard a million stories, and does one
24 say every single story to you, and bring it up?

25 Q. No.

L. Cook

1 A. You know, this far into it.

2 Q. Okay. Well, I'm going to ask the officers to
3 talk with you a little bit about that in the hallway, but --

4 A. Okay.

5 MR. FRASIER: Now, I don't think I have anything
6 more to ask her. Does the grand jury want to ask her
7 anything?

8 GRAND JUROR: I've got a couple of question.

9 Do you remember Nick being -- a friendship or a
10 closer relationship with Denise, Leah's sister, after Leah
11 passed -- Leah was gone missing, or gone?

12 THE WITNESS: No. Hmm-mm. You know, I didn't
13 even know of Nick, who Nick was or anything, until the time
14 that we met, and then the time that we were together was
15 brief. And I have seen him barely a couple of times. I know
16 nothing of any --

17 GRAND JUROR: But did you go to Coquille High
18 School?

19 THE WITNESS: I did not.

20 GRAND JUROR: Okay. So you weren't --

21 THE WITNESS: I went to North Bend.

22 GRAND JUROR: Okay. So you have --

23 THE WITNESS: So I don't.

24 GRAND JUROR: Okay. How about drug use? Was
25 Nick using drugs when you knew him?

L. Cook

1 THE WITNESS: Um, just smoking pot.

2 GRAND JUROR: You know, when you said he was on
3 the floor and he was kind of twitching and pulling at
4 himself --

5 THE WITNESS: Right.

6 GRAND JUROR: -- is it -- are you relatively sure
7 that he wasn't using meth or anything stronger than pot?

8 THE WITNESS: We didn't do anything like that,
9 and we were with each other all the time. And I
10 don't think --

11 GRAND JUROR: I'm just asking --

12 THE WITNESS: I never really got any impression.
13 I mean --

14 GRAND JUROR: Okay.

15 THE WITNESS: -- it wasn't something that we did,
16 you know. It wasn't anything that we were around or -- and
17 we were together all the time.

18 GRAND JUROR: So as far as you know --

19 THE WITNESS: As far as I know, he was not.

20 GRAND JUROR: He didn't use any of the time he
21 was with you?

22 THE WITNESS: No.

23 GRAND JUROR: Okay. Did you ever -- you say you
24 only went to the house -- his house -- his family residence
25 once?

L. Cook

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1 THE WITNESS: Right.

2 GRAND JUROR: Where did he live then? At --

3 THE WITNESS: Parents' house.

4 GRAND JUROR: And you just went there the one
5 time?

6 THE WITNESS: Yes.

7 GRAND JUROR: And I'm not trying to -- I just --
8 I'm just trying -- did you go out for like three months?

9 THE WITNESS: Mm-hmm.

10 GRAND JUROR: So when you went out, you went
11 other places? At your house?

12 THE WITNESS: We hung out at my sister's house at
13 the time. His cousin's house. So my sister and his cousin
14 lived together in North Bend.

15 GRAND JUROR: Mm-hmm.

16 THE WITNESS: And we would stay the night over
17 there all the time.

18 GRAND JUROR: He never -- you never -- I mean,
19 I'm asking this way. You never smoked pot at his parents'
20 house, ever?

21 THE WITNESS: No.

22 GRAND JUROR: And you met his parents?

23 THE WITNESS: One -- once or twice. I think the
24 mom had occasionally come into town, because next door the --
25 her sister had lived next door to the cousin. I may have

L. Cook

1 spoke with her a couple of times after that, but nothing
2 ever -- I mean, I brought him there to pick up clothes. He
3 -- I don't -- I don't -- he didn't have the car or the car
4 had broken down or something at that point in time, and he
5 wasn't driving it. And so I drove him over here to get some
6 clothes, and then we went back to North Bend and stayed.

7 GRAND JUROR: So indeed he would stay out away
8 from his house overnight?

9 THE WITNESS: Right. Right. We were together
10 every night.

11 GRAND JUROR: At your sister's --

12 THE WITNESS: At my sister's house.

13 GRAND JUROR: Were you the one driving then?

14 THE WITNESS: Yes.

15 GRAND JUROR: You'd pick him up?

16 THE WITNESS: Right.

17 GRAND JUROR: And drive him back to North Bend --

18 THE WITNESS: Right.

19 GRAND JUROR: -- to spend the night?

20 THE WITNESS: Right. For a little bit in the
21 beginning he had the car, and it was running. But shortly
22 after we had started dating, something went wrong with the
23 car and he had to work on it or something. It wasn't running
24 and he wasn't driving anymore.

25 GRAND JUROR: This is the Mustang you're talking

L. Cook

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1 about?

2 THE WITNESS: This is the T-bird.

3 GRAND JUROR: The T-bird.

4 THE WITNESS: I only know of the T-bird.

5 GRAND JUROR: Okay. Did he have a job?

6 THE WITNESS: (Sighs.) He never went to work
7 when we were together. (Laughs.)

8 GRAND JUROR: Okay. That's a yes, though?

9 THE WITNESS: He may -- but I had a job. So I
10 don't really know occasionally what he did during the day
11 while I was gone, but I don't think he had money or anything.

12 GRAND JUROR: Okay. Thank you. (Indiscernible.)

13 THE WITNESS: Yeah.

14 MR. FRASIER: Any more questions?

15 GRAND JUROR: So you really didn't spend a lot of
16 time here in Coquille --

17 THE WITNESS: No.

18 GRAND JUROR: -- you spent a lot of time in North
19 Bend where you were living?

20 THE WITNESS: Exactly. I think I had just taken
21 him here once. That's all I can recall.

22 Oh, you know what, I'm wrong. I went to his
23 friend's house one time, but I don't even really remember a
24 lot about it. And I don't even remember why we went over
25 there.

K. Pugmire

1 GRAND JUROR: Okay. Do you know the friends
2 concerned?

3 THE WITNESS: I can't remember. I know he drove
4 a Mustang, but I can't remember.

5 MR. FRASIER: Okay. Any other questions?

6 All right. I think that will do it. You're
7 excused.

8 THE WITNESS: Good. Okay.

9 MR. FRASIER: Thank you.

10 GRAND JUROR: Thank you.

11 THE WITNESS: You're welcome.

12 **TESTIMONY OF KIM PUGMIRE (COURTRIGHT)**

13 (Witness sworn.)

14 BY MR. FRASIER:

15 Q. First of all, this is the grand jury for Coos
16 County.

17 A. Okay.

18 Q. And they're looking into the disappearance and
19 death of Leah Freeman.

20 A. Mm-hmm.

21 Q. You saw me do it, but I got to tell you, we are
22 recording everything here.

23 A. Gotcha.

24 Q. All right?

25 A. Sounds good.

K. Pugmire

1 GRAND JUROR: Okay. Do you know the friends
2 concerned?

3 THE WITNESS: I can't remember. I know he drove
4 a Mustang, but I can't remember.

5 MR. FRASIER: Okay. Any other questions?

6 All right. I think that will do it. You're
7 excused.

8 THE WITNESS: Good. Okay.

9 MR. FRASIER: Thank you.

10 GRAND JUROR: Thank you.

11 THE WITNESS: You're welcome.

12 **TESTIMONY OF KIM PUGMIRE (COURTRIGHT)**

13 (Witness sworn.)

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15 Q. First of all, this is the grand jury for Coos
16 County.

17 A. Okay.

18 Q. And they're looking into the disappearance and
19 death of Leah Freeman.

20 A. Mm-hmm.

21 Q. You saw me do it, but I got to tell you, we are
22 recording everything here.

23 A. Gotcha.

24 Q. All right?

25 A. Sounds good.

K. Pugmire

1 Q. So, first of all, could you tell us your name and
2 where you live.

3 A. My name's Kim Pugmire, and I live here in
4 Coquille. I recently moved from Portland.

5 Q. And were you formerly known as Kim Courtright?

6 A. Courtright, yes, too.

7 Q. Are you -- well, you're related to Leah Freeman,
8 are you not?

9 A. Yes, I am.

10 Q. And how are you related to -- a cousin?

11 A. She's my cousin.

12 Q. And how well would you say you knew Leah?

13 A. Um, you know, we would get together at functions,
14 but as we got older, I didn't get a chance to really get to
15 know her too well, unfortunately. We would say hi and have
16 small talk, and that was about it.

17 Q. Was she older? Are you older?

18 A. I was older.

19 Q. Okay.

20 A. I believe -- I'm two years older than her
21 ex-boyfriend Nick.

22 Q. All right. Did you know Nick McGuffin?

23 A. I did. Nick and I were good friends in high
24 school.

25 Q. He was behind you in high school?

K. Pugmire

1 A. He was two years behind me, mm-hmm.

2 Q. How well would you say you knew Nick?

3 A. I knew Nick fairly well. We would have small
4 talk and, I mean, he would actually even walk me to classes,
5 you know, arm in arm, back, you know, when you're in high
6 school. And we were -- we were friends. We were good
7 friends.

8 Q. You be -- did you become aware at some point in
9 time that Leah and Nick were boyfriend/girlfriend?

10 A. Yeah. In fact, one of the last things I told
11 Nick was, You take care of my -- my cousin, because, you
12 know, she means a lot.

13 Q. Did you have a chance to see them together?

14 A. You know, I never -- I never really did see them
15 much together. I just seen them drive by in the car every
16 once in a while together, and I'd --

17 Q. Wave?

18 A. -- give them a wave.

19 Q. Did you have an opportunity to see how well they
20 got along, or anything like that?

21 A. Unfortunately I -- I haven't, no.

22 Q. Okay. After Leah disappeared, say within a few
23 days after her disappearance, did you have any contact with
24 Nick in the days after she disappeared?

25 A. I -- I did. He had approached me -- it used to

K. Pugmire

1 be Fast Mart. (Indiscernible) confused. Fast Mart, the old
2 7Eleven.

3 And he came up to me and he had said, Kim, you
4 know I have nothing to do with this. You know I have nothing
5 to do with this. And at that point in time I said, Oh, I
6 believe you a hundred percent, you know. I know you couldn't
7 do anything like that.

8 Q. Okay.

9 A. Having to do with her -- her disappearance.

10 Q. And was he insistent that you've just got to
11 believe me, I didn't have anything to do with it?

12 A. At first, you know, until I -- until I had said,
13 Oh, I -- I understand. Yeah, I wouldn't -- I wouldn't think
14 that you have anything to do with this. So.

15 Q. Now, later on, did you also see him in different
16 time, out near the area where Leah was eventually found?

17 A. That same night, in fact.

18 Q. Okay.

19 A. What had happened was we were at 7Eleven. I --
20 myself and my boyfriend at the time, and one of his friends.
21 And we had left 7Eleven and those guys were milling around a
22 red car that I don't know -- I don't whose red car it was,
23 and I don't really remember the people that Nick was with, to
24 be honest. But we had driven -- we were starting to drive up
25 Fairview, and that red car passed us, really fast. And I

K. Pugmire

1 didn't think anything of it until we go to -- we were heading
2 out Lee Valley Road.

3 Q. Okay.

4 A. And right where the pavement ends and it turns to
5 gravel, about 200 yards or so into the gravel there's that
6 pull-out area. And that's where we saw that red car. And
7 the guy that I was with needed to use the bathroom, but I
8 felt the need to not stop, at that point in time.

9 Q. Did you see Nick there?

10 A. Yes.

11 Q. And what -- was he in the car or outside the car?

12 A. They were all outside the car, kind of moving
13 around, talking. I don't know. I don't know exactly what
14 they were doing because I didn't -- I decided I didn't want
15 to stick around.

16 Q. Okay. Did you recognize any of the other people
17 there with him?

18 A. I did not.

19 Q. Now, you're aware Leah's body was eventually
20 found --

21 A. In that same area.

22 Q. Okay. Do you know -- have you ever been exactly
23 to the spot where --

24 A. I have not, no.

25 Q. So you don't know where -- how far away the body

K. Pugmire

1 was when it was eventually found, from where you saw
2 Nicholas?

3 A. I unfortunately don't, no. All -- all I have
4 heard in -- is that she -- her body was found at the Boy
5 Scout cabin.

6 Q. Cabin? Well, farther up the road.

7 A. Oh.

8 Q. And I think on the other side of the road from
9 where the old Boy Scout cabin is.

10 A. I'm not exactly sure where that is either.

11 Q. Have you had any contact with Nick since that
12 time?

13 A. No, I haven't.

14 Q. Has anybody told you -- I've been asking
15 everybody these questions. Has anybody ever told you that
16 they were responsible for Leah's death?

17 A. No. Huh-uh.

18 Q. Has anybody told you they saw what happened to
19 Leah?

20 A. No.

21 Q. I've been asking everybody this.

22 A. Right. I understand.

23 Q. But you -- did you have anything to do with
24 Leah's death?

25 A. No.

K. Pugmire

1 Q. All right.

2 Now, is there anything else about this situation
3 you think the grand jury needs to know?

4 A. Not -- not that I can think of, no.

5 MR. FRASIER: I don't think I have any other
6 questions for her. Does the grand jury wish to ask her any
7 questions?

8 GRAND JUROR: Did you know if they were on drugs?

9 THE WITNESS: At that time, no, I don't. At the
10 time I saw him. No, I don't -- I didn't notice of anything.
11 He seemed fairly normal at that point.

12 GRAND JUROR: You say you couldn't recognize
13 anyone else who was standing around outside the car where the
14 red car was stopped?

15 THE WITNESS: Mm-hmm.

16 GRAND JUROR: You didn't see Leah then, at that
17 point? Would you have recognized whether there was all guys
18 or there was a girl there?

19 THE WITNESS: It was all -- it was all guys. And
20 to my best recollection, there was three of them.

21 GRAND JUROR: Okay. Count -- that's Nick and --

22 THE WITNESS: Nick in -- included, correct.

23 BY MR. FRASIER:

24 Q. Do you know a gentleman named Ricky Crook?

25 A. I do know Ricky, mm-hmm.

K. Pugmire

1 Q. Ricky was not one of those out there?

2 A. Not to my -- I don't know. I really don't know,
3 to be honest.

4 Q. Okay. All right. You were basically
5 concentrating on --

6 A. I was just concentrating, yeah, on Nick.

7 Q. Okay.

8 A. And -- and what he was coming up to me and saying
9 and stuff.

10 Q. All right.

11 GRAND JUROR: So you -- let me see if I
12 understand this right. You're driving up Fairview Road
13 there?

14 THE WITNESS: Mm-hmm.

15 GRAND JUROR: And then they -- they pass -- this
16 car passes you.

17 THE WITNESS: Mm-hmm.

18 GRAND JUROR: Then it pulled into this area you
19 were just describing?

20 THE WITNESS: Mm-hmm.

21 GRAND JUROR: And you -- you're -- you pulled in
22 there behind?

23 THE WITNESS: They were way ahead of us. They
24 had already pulled in and they were outside doing something
25 before I had even gotten close.

K. Pugmire

1 GRAND JUROR: Okay. And your boyfriend --

2 THE WITNESS: They were really --

3 GRAND JUROR: -- pulled in to stop there?

4 THE WITNESS: They wanted to use the rest room,
5 and then I decided I didn't like -- I didn't -- it didn't
6 feel right to me. All of a sudden I -- I was just like I
7 don't want to be anywhere near anybody out here in the
8 country.

9 GRAND JUROR: It was just you and your boyfriend
10 were in your car?

11 THE WITNESS: It -- I was driving my boyfriend's
12 truck, and then one of his friends was with us as well.

13 GRAND JUROR: Oh, okay.

14 THE WITNESS: We were taking the back roads to go
15 to Myrtle Point.

16 GRAND JUROR: Okay.

17 BY MR. FRASIER:

18 Q. And you were actually on Lee Valley Road at this
19 point?

20 A. Yes.

21 GRAND JUROR: Okay. And then -- so then did the
22 three of you pull over and stop?

23 THE WITNESS: We started to stop.

24 GRAND JUROR: Started to stop?

25 THE WITNESS: And then I said, i don't want to

K. Pugmire

1 get out right now. I have -- I don't -- I don't want to get
2 out right now. I don't have a good feeling. Let's go down
3 the road. And so then we went down the road about a mile or
4 so, and they used the rest room.

5 GRAND JUROR: So Nick didn't come up to the car?

6 THE WITNESS: No, huh-uh.

7 GRAND JUROR: You just saw him?

8 THE WITNESS: Mm-hmm.

9 GRAND JUROR: And this was after Leah had
10 disappeared?

11 THE WITNESS: This was about four days or so
12 after she had disappeared.

13 GRAND JUROR: If you went out there now, do you
14 think you could remember where it was at?

15 THE WITNESS: Yeah. I could point out to where
16 the car was parked.

17 GRAND JUROR: But that was the same night that
18 Nick had talked to you about --

19 THE WITNESS: Yes.

20 GRAND JUROR: -- not having anything to do --

21 THE WITNESS: He -- he had talked to me, came up
22 to me, couldn't -- and told me, I have nothing to do with
23 this. We left, and then he left, passed us, and then we
24 slowly caught up to him where -- wherever he was out there.

25 GRAND JUROR: What kind of truck were you

K. Pugmire

1 driving?

2 THE WITNESS: Uh, it was a -- I believe it was a
3 green Ford. Older.

4 GRAND JUROR: Full-size pickup?

5 THE WITNESS: Yeah. And they were driving a red
6 car, a red like sedan -- sedan. I'm not -- I don't know the
7 kind -- I don't know the make or anything. It was older.

8 GRAND JUROR: Did -- you say that it was their
9 idea to stop there to go to the bathroom?

10 THE WITNESS: Mm-hmm.

11 GRAND JUROR: You were driving, though, so they
12 asked you --

13 THE WITNESS: I was driving them. They had been
14 drinking.

15 GRAND JUROR: (Indiscernible.) Is there like
16 a -- is there a Porta-Potty or something there? Or --

17 THE WITNESS: No. They were just going to go --
18 (Indiscernible conversation among jurors.)

19 GRAND JUROR: -- I guess I made that assumption,
20 but I just wanted to -- I thought maybe it was a -- you know,
21 a little pull-out or --

22 THE WITNESS: No, there's nothing -- there's
23 nothing. There's just a pull-off. They -- they were aware
24 there was a pull-off right there, that I could just pull over
25 real quick.

K. Pugmire

1 GRAND JUROR: Okay. Okay. Gotcha.

2 MR. FRASIER: Any other questions?

3 GRAND JUROR: What time -- I guess what time of
4 day was that?

5 THE WITNESS: Mm, around 10 o'clock at night, 11
6 o'clock at night.

7 GRAND JUROR: Oh, so was it dark?

8 THE WITNESS: It was dark out, yeah.

9 GRAND JUROR: You could still see Nick, though?
10 I'm -- I mean, it was dark, but you could still make him out?

11 THE WITNESS: Yeah. Yeah. It was -- and it was
12 the same exact car, too.

13 GRAND JUROR: Okay.

14 THE WITNESS: Because when you, you know, drive
15 by, it's not that far off, away.

16 GRAND JUROR: Yeah.

17 GRAND JUROR: Would you know a Thunderbird if you
18 saw one? Do you know cars?

19 THE WITNESS: Yeah. It wasn't a Thunderbird, I
20 know that.

21 GRAND JUROR: It was smaller?

22 THE WITNESS: It was smaller than a Thunderbird.

23 MR. FRASIER: Any other questions?

24 Okay. Hearing none, you're free to go.

25 THE WITNESS: All right. I'm good to go. And

D. Meade

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1 good luck to you guys.

2 GRAND JUROR: Thank you.

3 THE WITNESS: Thank you for putting the time into
4 it.

5 **TESTIMONY OF DARIUS MEADE**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. First of all, could you tell us your name,
9 please, sir, and what your occupation is.

10 A. My name is Darius Meade, and I'm an
11 administrative corporal for the sheriff's office in the jail.

12 Q. And how long have you worked at the Coos County
13 jail?

14 A. I've worked for the sheriff's office since 1998,
15 patrol for almost three years, and corrections for the other
16 nine.

17 Q. As part of your responsibilities there at the
18 Coos County jail, does the jail keep records of when a
19 particular individual is brought into the jail, what dates
20 he's brought in, and how long he's there, and that type of
21 thing?

22 A. Yeah, we -- we keep very strict records on that.

23 Q. And do you also keep records of what cells or
24 what part of the jail they're held in?

25 A. Yeah, at the time of book-in we assign them a

M. Edgerton

1 excused.

2 THE WITNESS: Why don't you ask her --

3 MR. FRASIER: We did. She's been in here.

4 THE WITNESS: Well, I told you.

5 **TESTIMONY OF NICOLE DEMAINE (DECKER)**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. Ma'am, this is the grand jury for Coos County,
9 and we're looking into the disappearance and death of Leah
10 Freeman.

11 You probably saw me do it, but I turned on a tape
12 recorder there, digital recorders.

13 A. Mm-hmm.

14 Q. We're recording the proceedings here, so I need
15 to tell you that. All right?

16 A. Okay.

17 Q. First of all, could you tell us your name,
18 please, and where you live.

19 A. Nicole Demain. Myrtle Creek, Oregon.

20 Q. And you were previously known as Nicole Decker?

21 A. Yes.

22 Q. Okay. And you're married to --

23 A. Randy Demain.

24 Q. Did you used to live here in the Coos County
25 area?

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1 A. Yes.

2 Q. How long did you live here?

3 A. Um, we moved here when I was 10, and then I
4 continued to live her up until I was about 17, and then from
5 17 to 23 I've been back and forth between Roseburg and here.
6 So I don't know how many years, I didn't calculate, but --

7 Q. (Indiscernible.) Did you -- well, did you know a
8 Nick McGuffin while you lived here?

9 A. Mm-hmm.

10 Q. How did you know Mr. McGuffin?

11 A. When I was 15 I dated Ricky Crook, and him and
12 Ricky were friends.

13 Q. How well would you say you know him?

14 A. Um, I never got super close to Nick. He never
15 really cared for me, I didn't care for -- it was a mutual
16 thing. But I knew of him, and through Ricky, and then we'd
17 hang out every once in a while; Nick, Ricky, I and Megan.

18 Q. Did you ever know Leah Freeman?

19 A. No.

20 Q. How about Wayne McGuffin?

21 A. Yes.

22 Q. How did you know Wayne?

23 A. Um, I actually through high school, partying, met
24 up with Wayne. And then after high school my husband and
25 Wayne had actually known each other for a while. And my

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1 husband and I were dating at the time, and we got an
2 apartment, and he lived next door to us. Well, then he moved
3 out of his apartment with his girlfriend and moved in with us
4 for a while. And then ever since then, it's been hit and
5 miss on when we see him. I never see him anymore, but we
6 used to hang out a lot. We used to be really close, Wayne
7 and I.

8 Q. Let me ask you this question and -- well, do you
9 also know a person named Megan Edgerton?

10 A. Yes.

11 Q. How do you know Megan?

12 A. When I first moved over here, I was in fifth
13 grade. And she and I were in the same grade, and I actually
14 met her through my younger brother because they had a thing,
15 and then as we went into middle school, Megan and I became
16 like best friends. And then we stayed friends for -- till I
17 was about 15, 16. And then we kind of just drifted our own
18 ways.

19 Q. Did you, in the course of your friendship, did
20 you actually introduce Nick McGuffin to Megan?

21 A. Yes.

22 Q. Now, Megan and Nick were living together for a
23 period of time. Were you aware of that?

24 A. Mm-hmm.

25 Q. And was there ever a time when Megan came and saw

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1 you here in Coquille, and you folks went down I think to the
2 Safeway store or something?

3 Do you recall that?

4 A. Mm-hmm.

5 Q. Could you tell the grand jury what you recall
6 that occurred.

7 A. I remember one day just out of the blue she
8 showed up at Hillside where my husband and I lived, and
9 knocked on our door and said she wanted to hang out, and
10 let's go party. And I say, Okay. Hadn't seen you in a
11 while, sounds like fun.

12 So I hopped in the car with her and we were going
13 to run to her house out in Coos Bay, I forget where that is.
14 But before that we stopped at the Safeway. We didn't even go
15 to the store, she just pulled over and we were talking.

16 And Nick called, and they argued like usual. And
17 then they got off the phone, I just remember looking at that
18 sign, the insurance place. And then she just started talking
19 about stuff that Nick had said that -- she wouldn't go into
20 detail, but I know that she was saying that one drunken
21 night, on Nick's behalf, he had seen a picture of Leah in the
22 bedroom or something, and just started ranting and raving
23 about Leah this and Leah that. But like I said, she never
24 gave me detail. She wouldn't give me detail.

25 And that he freaked her out, and she thought that

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1 he did it, just from everything he was telling her. Okay.

2 Q. Do you recall telling the police or quoting her
3 as saying something to the effect of -- well, I'll just read
4 what the police report says.

5 "According to Nicole Edgerton, told her McGuffin
6 said they thought Leah was dead, but" --

7 A. Oh.

8 Q. -- "she wasn't, and they put her out of her
9 misery"?

10 A. Mm-hmm.

11 Q. Could you tell us about that, and tell us how
12 that came in?

13 A. The -- pardon me for my memory.

14 Q. Yes.

15 A. It was not something I ever thought that I'd have
16 to repeat.

17 Q. Okay.

18 A. So I don't exactly know how this conversation
19 came about, I just know she was telling me about when
20 drunk -- Nick was drunk, and then things came up. And that
21 was one thing I did remember, is he was crying or something,
22 and said they thought she was dead, and they went back and
23 checked, and then they put her out of her misery. I mean,
24 just -- just like that. Just like what it says.

25 Q. And it wasn't that somebody else did it, it was

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1 the way she was telling you, you believed that Nick was
2 there?

3 A. Yeah. Oh, yeah.

4 Q. All right. Now, you were interviewed by the
5 police about that, correct?

6 A. Mm-hmm.

7 Q. And you told the police what she told you?

8 A. Right.

9 Q. And then the next day the police came and talked
10 to you about doing what's sometimes referred to as a pretext
11 phone call?

12 A. Correct.

13 Q. And you called her on the phone; is that right?

14 A. Mm-hmm.

15 Q. What happened when you called her on the phone?

16 A. Started it off as a casual conversation. Hey, I
17 got your phone number from the police, which she was like, "I
18 can't believe they gave it out," you know.

19 Um, I've never done any of that kind of thing
20 before, so I didn't really know how to be. And she had asked
21 me, Did the police set you up to this? And I said, No. I
22 lied because I didn't know I was supposed to tell the truth
23 about that.

24 And so then we went on in casual conversation,
25 and I tried to like squeeze in, you know, Remember the

N. Demain

1 conversation? She says she doesn't remember. She asks me,
2 Well, what did I tell you? And I said what I already told
3 you guys about, you know, Nick being drunk and all that.

4 And then she's like, Well, I don't talk about
5 this over the phone. I've already told them everything I
6 know. And then the conversation went, and we extended it
7 into just casual conversation, Hi, how are you? How old's
8 your baby? Such-and-such.

9 And then the next day, because Officer Webley and
10 McNeely realized, you know, probably not a good idea to tell
11 her a lie because if it comes up in court that's not going to
12 be good. So we went back, called her again, and that was a
13 disaster of a conversation.

14 And I told her the truth, and I told her I was
15 sorry. She asked me, Well, why did you do it? And I said --
16 I don't even remember what I said. Just don't even remember
17 what I said. I just remember she asked me why I did it, and
18 then I apologized. And she told me to F off, and she told me
19 I wasn't a good F'ing friend, and hung up the phone.

20 Q. Let's talk about Wayne McGuffin for a minute.
21 Did Wayne actually stay in your home for a period of time?

22 A. Mm-hmm. For like two months or so. Maybe two
23 and a half.

24 Q. Was there ever a time that Wayne got drunk and he
25 started talking about Leah Freeman?

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1 A. Mm-hmm.

2 Q. Could you tell the grand jury, please, what you
3 recall about that.

4 A. Oh, one night -- because Wayne, my husband, and
5 I, we always would drink at the house. And no big deal,
6 casual. And one night my husband actually went to bed early
7 and Wayne and I, we stayed up and drank till the beer was
8 gone. And in the last couple of beers left, he just starts
9 bawling. And I'm trying to -- you know, What's wrong? Are
10 you okay? And he didn't want to talk about it, didn't want
11 to talk about it. And all of a sudden, just out of the blue,
12 this whole thing came up in conversation, and I asked him,
13 Well, what are you talking about? And he said, about the
14 time when he was at the house and there was a ruckus in the
15 kitchen and he stepped out to see what was going on, and
16 there was blood all over Nick's shirt and hands, I guess.
17 And then his dad -- Bruce, I guess is his name, said, Don't
18 worry, we'll clear this up. We'll get it figured out.

19 And then there was a jump in the conversation; I
20 don't know if it happened that night or if it was a later
21 date, as to Wayne disagreeing with what was going on, and
22 they got upset at Wayne for the fact that he didn't want to
23 be involved in whatever this was. And from there on, Wayne
24 had very little to do with his family. They don't talk.
25 They don't -- as much as possible. I don't know about now.

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1 I haven't talked to him in a while. But at that time he did
2 everything he could to avoid them. And I remember taking him
3 up to his family's house, and they were just mean. Mean,
4 mean, mean to him. And he'd leave the house crying. Big old
5 Wayne would leave the house crying. I remember that.

6 There aren't a whole lot of detail to memory
7 because, again, didn't realize I had to come up one day and
8 say all this. So I apologize for the lack of information.

9 Q. Okay. Let me just kind of go over here. I think
10 when the police interviewed you, you mentioned that Wayne was
11 95 percent certain that Nick had been involved in Leah's
12 death. Do you recall him saying that?

13 A. Mm-hmm.

14 Q. And that Wayne had said that Bruce had said to --

15 A. Nick?

16 Q. No. No. They were talking in the kitchen, and
17 they had to cover up for Nick.

18 A. Mm-hmm.

19 Q. And Nicole said that Wayne told her, I don't know
20 how he did it.

21 A. Mm-hmm.

22 Q. Do you recall him saying that specifically?

23 A. Yeah. He didn't know how he did it. He just
24 knew he didn't want to be involved in it.

25 Q. And you say, quote, I want to say something, I

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1 just can't. I hate my brother.

2 A. Mm-hmm. That was all the time. He always said
3 that. He hated his brother.

4 Q. Getting back, I forgot one thing. When you were
5 talking with Megan in the parking lot at the Safeway store --

6 A. Mm-hmm.

7 Q. Did she tell you that McGuffin had threatened her
8 life if she told?

9 A. Um, I know it says that, but when we were doing
10 the interview, I don't remember saying that.

11 Q. Okay.

12 A. Um, I know that she was never really fully
13 comfortable with him. And that he had an awkward moment in
14 the beginning of their relationship, where they went to the
15 dunes and I think they were only together for like a couple
16 of months at this point. And they went to the dunes with
17 Ricky, and I was supposed to go but I didn't. And Nick kept
18 asking her to go into the brush area; you know, patches of
19 trees and stuff in the dunes, and she didn't want to, she
20 didn't want to. They finally got out and they went, and I
21 guess he was acting weird. And she went back to the truck
22 and he got really upset with her.

23 And that kind of just started off the basis of
24 their relationship as to how uncomfortable she always was,
25 but couldn't seem to like part with him. Because he was very

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1 controlling, very -- you know, verbally abusive. I don't
2 know physically so much, I never witnessed any physical
3 things. But I know she always was crying, and she would
4 never admit that he physically hurt her, but in my opinion I
5 wouldn't put it past him.

6 Q. Well, you can't get into that, what your opinion
7 is on that.

8 A. Oh. Well, I'm just saying, like it's in the
9 report, like --

10 Q. Yeah, and that's --

11 A. Yeah.

12 Q. We can't go there (indiscernible).

13 A. Okay.

14 MR. FRASIER: Okay. I don't think I have any
15 other questions for Ms. Demain. Does the grand jury want to
16 ask her anything?

17 GRAND JUROR: Did Wayne do drugs (indiscernible)?

18 THE WITNESS: Um, yes.

19 GRAND JUROR: Do you know -- did you -- were you
20 aware if Nick had been using drugs in 2000? Or would you
21 have been aware of that?

22 THE WITNESS: Um, I know he smoked pot. I don't
23 know if he did meth. I know meth was a big thing with that
24 group of people. I just don't know if he was involved in
25 that. But I know pot was the big one.

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1 GRAND JUROR: Was Ricky?

2 THE WITNESS: Ricky was, again, a pot-head.

3 Meth, no. As far as I knew. Unless he did it when I wasn't
4 around. So.

5 GRAND JUROR: You say Wayne always said he hated
6 his brother?

7 THE WITNESS: Mm-hmm.

8 GRAND JUROR: And you say that he'd be -- is this
9 when he was drinking? Just an --

10 THE WITNESS: Sober, smoking pot, drinking, he
11 just hated his brother. Anything little that came up about
12 Nick, he'd just be like, "I fucking hate him," or, you know,
13 "That piece of shit." That -- I mean, he would just go off,
14 and then I'd change the subject or somebody would change the
15 subject, and then he was off.

16 MR. FRASIER: Okay. I need to stop to change the
17 tape.

18 (Pause.)

19 MR. FRASIER: Okay. Go ahead. Anything --

20 GRAND JUROR: I just want -- and then you said
21 he -- he stop -- did he stop seeing the family; Wayne?

22 THE WITNESS: He -- for the most part. I mean,
23 he'd go up to their house and get clothes here and there, or
24 whatever. But he never really hung out with them, and hardly
25 talked to them. If he talked to anybody, it was his mom.

N. Demain

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1 But he never really talked to his dad. And if it was his
2 mom, it was short, you know, conversations.

3 GRAND JUROR: This was over a period about the
4 three years he lived with you?

5 THE WITNESS: No, he lived with -- he didn't live
6 with us for three years.

7 GRAND JUROR: Oh, three months.

8 THE WITNESS: Yeah. Two and a half, three
9 months. Um, yeah, through that time.

10 GRAND JUROR: They say they had a safe haven for
11 all the kids up there, Bruce and his mom. How come both the
12 kids were always somewhere else? Wayne living with you, Nick
13 living with the --

14 THE WITNESS: I don't know. I never -- when --

15 GRAND JUROR: You know, if they had such a great
16 place for all the kids to go, why are they always gone?

17 THE WITNESS: They -- I don't know Nick's
18 situation, but Wayne, he hated being up there. He did not --
19 did not if at all possible go up there if he didn't have to.
20 I took him up there a couple of times, and on the way up
21 there he'd be happy, happy, happy. And we'd hit the gravel
22 road, and instantly, bam, angry. Just frustrated and - and
23 never failed, he'd always leave the house with an argument
24 between his brother and him or his dad and him.

25 And his mom I never really saw, um, but when I

N. Demain

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1 went up there, it was -- I mean, it was a nice house and
2 everything, but it wasn't comfortable.

3 I don't know it's that substantial, but --

4 GRAND JUROR: Do you know when the -- this was
5 that Wayne was up there and saw his brother coming in with
6 bloody clothes?

7 THE WITNESS: Uh, if I can remember correctly, it
8 was somewhere around that night that Leah had gone missing
9 and nobody had known she was missing yet.

10 GRAND JUROR: To your recollection, was Wayne
11 upset with his family before that, or was that the start of
12 it, or when did that happen?

13 THE WITNESS: I don't really know. Um, as far as
14 I know, it was probably not -- I don't know. It might have
15 been the start of it, but I don't know that him and his
16 brother ever truly got along. They never seemed like they
17 ever did. One seemed to be favored over the other, Nick
18 being the favored one.

19 I don't know if they had problems before because
20 I didn't really hang out with him before, up until he lived
21 with us, pretty much.

22 GRAND JUROR: Did Wayne ever say that he hated
23 his brother before that? Did you ever get that kind of
24 conversation with him before Leah's disappearance?

25 THE WITNESS: Um, never got into before, matter.

K. Peet

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1 And the conversation about Leah was the one time only. I
2 never brought it up after that because Wayne's a very
3 personal person. He doesn't talk about his problems.
4 Doesn't talk about things.

5 At that time. I don't know about now, so.

6 MR. FRASIER: Any other questions?

7 Okay. I think you're done. You can go back to
8 Myrtle Creek.

9 THE WITNESS: Gee. (Laughing.)

10 **TESTIMONY OF KIMBERLY PEET**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. First of all, ma'am, this is the grand jury for
14 Coos County, and we are looking into the death/disappearance
15 of Leah Freeman.

16 I think it's obvious, but I need to tell you that
17 we are recording these proceedings. Okay?

18 First of all, could you tell us your name and
19 where you live.

20 A. Kimberly Renae Peet, and I live on 1164 North
21 Grape Street.

22 Q. Here in Coquille?

23 A. Coquille.

24 Q. And have you lived here in Coquille your whole
25 life, basically?

M. Edgerton

1 she knows something.

2 Q. Okay.

3 A. Because she -- she's -- she's -- became very cold
4 after that, and -- and continuously ran around with Nick
5 McGuffin. That alone was so bad, you know. Even if there
6 was a chance that he killed your sister. Maybe -- you know,
7 or you're just -- why would you be doing that?

8 Q. Okay.

9 A. You know, that always frustrated me. And no, I
10 don't like him. I'll throw that out.

11 Q. All right.

12 A. Like -- I really can't think of anything else
13 that might...

14 MR. FRASIER: Okay. I don't have anything else
15 to ask Mr. Middleton. Does the grand jury want to ask him
16 anything?

17 Looks like you're done.

18 THE WITNESS: Thanks, you guys.

19 GRAND JUROR: Thank you.

20 MR. FRASIER: You're free to go.

21 **TESTIMONY OF MEGAN EDGERTON**

22 (Witness sworn.)

23 BY MR. FRASIER:

24 Q. Okay. First of all, this is the grand jury for
25 Coos County, and we're looking into the disappearance and

M. Edgerton

1 death of Leah Freeman.

2 I need to advise you, even though I think you saw
3 me do it, I've got two different recording devices recording
4 the proceedings here this afternoon.

5 A. Mm-hmm.

6 Q. And first of all could you tell the grand jury,
7 please, your name and where you live.

8 A. Megan Edgerton. Do you want my full address?

9 Q. Yes, please.

10 A. 92998 Poplar Lane, Coos Bay, Oregon.

11 Q. And are you acquainted with an individual named
12 Nick McGuffin?

13 A. Yes.

14 Q. How do you know Mr. McGuffin?

15 A. He is my ex-boyfriend.

16 Q. Did you actually live together with him?

17 A. Yes.

18 Q. How long did -- were you folks together?

19 A. Uh, about eight and a half years we lived
20 together. We were together for nine.

21 Q. And you have a child together; is that correct?

22 A. Yes.

23 Q. Were you ever acquainted with Leah Freeman?

24 A. No.

25 Q. During the time frame that you were -- well, let

M. Edgerton

1 me back up a little bit. Do you now -- you're no longer with
2 Mr. McGuffin; is that correct?

3 A. No. We have a relationship because of our
4 daughter, which --

5 Q. Correct.

6 A. -- (indiscernible).

7 Q. And you currently have some sort of a court
8 proceeding about child custody, visitation, child support?

9 A. Yes.

10 Q. That's currently pending with the courts?

11 A. Yes.

12 Q. And that's set for a hearing or a trial in
13 September of this year?

14 A. Yes.

15 Q. How would you describe your relationship with
16 Nick as -- while he was with you?

17 A. Um, I don't know. It started pretty early. I
18 was still in school. I don't know. We met, did the whole
19 young high school thing, and then eventually got serious,
20 lived together, and had a kid.

21 Q. All right. I guess what I'd like to know is
22 during a relationship with you, did Nick ever abuse you?

23 A. No. We did, like every relationship, have verbal
24 disagreements. But if you're asking me if he'd ever
25 physically harmed me, no, he did not.

M. Edgerton

1 Q. At one point in time you were arrested, were you
2 not, for assaulting him?

3 A. Yes.

4 Q. Are -- the eight, nine years you were together,
5 eight and a half, nine years you were together, was there any
6 period of time where you separated for a period of time? A
7 couple of weeks, something like that?

8 A. Mm, yeah. There was a few times, yes.

9 Q. Now, do you know an individual named David
10 Breakfield?

11 A. Yes.

12 Q. Who's Mr. Breakfield?

13 A. He is an acquaintance of mine now.

14 Q. All right. Did you ever, quote, date him?

15 A. Yes.

16 Q. And was that during one of your periods of
17 breakup with --

18 A. Yes.

19 Q. And do you know an individual named Jesse --

20 A. Smisek?

21 Q. Smisek?

22 A. Yes.

23 Q. And how do you know Jesse?

24 A. I went to school with him. I was never very fond
25 of him. He was kind of a grungy druggie, not a very good

M. Edgerton

1 person. I didn't want to associate with him, so I didn't.

2 Q. How did Nick react to you being with David
3 Breakfield?

4 A. Well, we were separated. Of course he wasn't
5 very happy about it, but he accepted it. There was nothing
6 he could do.

7 Q. Was there ever an incident where you were in a
8 car with Mr. Breakfield and Mr. Simek or Simezek or
9 however --

10 A. Smisek.

11 Q. Yeah. And Nick chases you down and, for lack of
12 better terms, run you off the road?

13 A. No, we've never all three of us have been around
14 each other, ever, at the same time. That's never happened.

15 Q. Okay. Well, did it ever happen with just you and
16 Mr. Breakfield?

17 A. No.

18 Q. Now, I'm going to tell you that Mr. Breakfield's
19 going to testify next week, and he's going to testify to an
20 incident such as that. It's your testimony that that did not
21 occur?

22 A. No. There was never a time where he followed us,
23 and your quote, drove us off the road or tried to drive us
24 off the road.

25 Q. Okay. All right. Do you know a Nicky Demain or

M. Edgerton

39

1 Nicky Decker?

2 A. Yes.

3 Q. How do you know her?

4 A. We used to be friends in high school and in
5 junior high.

6 Q. And how close were you?

7 A. Um, we were fairly close until she moved to
8 Coquille.

9 Q. Did you ever visit with her over here in
10 Coquille?

11 A. Yes. She was the one that introduced me to Nick.

12 Q. During your relationship with Nick McGuffin, has
13 he ever talked with you about Leah Freeman?

14 A. Yes.

15 Q. What has Nick McGuffin told you about Leah
16 Freeman?

17 A. Um, about her? Or about --

18 Q. About what happened to her.

19 A. He says that Bill Sero and Tom Stemmerman were
20 the ones that killed her.

21 Q. Okay. Did he tell -- ever tell you why he knew
22 that?

23 A. Um, he said that they had confronted him before,
24 and also a girl named, I think, Alicia Michaud -- I'm not
25 sure how to pronounce her last name -- also told him that she

M. Edgerton

1 was there the night that they killed her. She also wrote him
2 a letter a few days after Leah went missing. I guess she
3 tried contacting him, telling -- telling him she had
4 something important to tell him.

5 Q. All right. But that's all he told you?

6 A. Um, after the course of ten years, I've heard so
7 many stories that I honestly can't remember everything. A
8 lot of it's just the rumor mill. And, you know, if there's
9 no facts to it, it's just word of mouth, I really don't --
10 you know, pay attention to it.

11 Q. Did you ever tell Nicole Demain or her --
12 otherwise known as Nicole Decker, that Nick had gone on a
13 rampage while he was intoxicated and that he said something
14 to the effect to you of, quote, They thought Leah was dead
15 but she wasn't, and they put her out of her misery? And that
16 Nick then told you or threatened your life if you ever told
17 anybody that?

18 A. No. He did tell me that he thought that maybe it
19 was an accident, what they did. That maybe they had hit her
20 or somehow injured her, and worried that they would get in
21 trouble. And they eventually killed her, but -- I don't
22 know. But he never said anything about threatening me about
23 any of that.

24 Nicky Decker did call me, which you have on
25 recording. I did not know I was being recorded by the

M. Edgerton

1 police, but she asked me what I had told her. She wanted me
2 to recap what I had told her a few years ago. And I told her
3 the same thing about Bill Sero and Tom Stemmerman, which is
4 on recording.

5 Q. But you never told Nicole Demain that Nick
6 confessed to you that he'd been involved in the death of Leah
7 Freeman?

8 A. No, I told her that he had told me --

9 Q. It's a yes-or-no answer, ma'am.

10 A. No.

11 Q. All right.

12 A. Nick has never said that he was involved.

13 Q. All right. Nick has never told you in any way
14 shape or form that he was involved?

15 A. No.

16 Q. Has anybody told you directly that they killed
17 Leah Freeman?

18 A. No. Um, well, I have something I'd like to say,
19 if you'd let me say it. Nothing (indiscernible).

20 Q. Has anybody told you, Hey, I killed Leah Freeman?

21 A. No, nobody has.

22 Q. Has anybody told you that they saw what happened
23 to Leah Freeman?

24 A. No. Not directly to me. It's just word of mouth
25 of what I've heard.

M. Edgerton

1 Q. Do you have any personal knowledge as to what
2 happened to Leah Freeman?

3 A. Um, a few years back ago, when I was still in
4 high school, it was towards the end of summer, Nick and I
5 were over at Megan Pinkley's apartments in Coquille. And I
6 think her name's Kristen -- I'm not sure. It was Bill's --
7 Bill's girlfriend --

8 Q. Okay. Wait a minute. You didn't understand the
9 question. The question is, do you have any personal
10 knowledge; in other words, do you, of your own senses, know
11 what happened to Leah Freeman?

12 A. How would I know? I wasn't involved at that
13 time. No, like I have been telling you, I only know word of
14 mouth. I have something I would like to --

15 Q. That's fine. That's what I want to ask.

16 A. -- tell you.

17 MR. FRASIER: I don't have any other questions
18 for this witness. Does grand jury want to ask her any now?

19 THE WITNESS: Can I tell you what I'd like to
20 say?

21 MR. FRASIER: No, you may not. This is where you
22 answer questions.

23 THE WITNESS: Well, Bill's girlfriend told me
24 that she knew Bill did it, and confessed.

25 MR. FRASIER: Okay. That's enough. You're

M. Edgerton

1 excused.

2 THE WITNESS: Why don't you ask her --

3 MR. FRASIER: We did. She's been in here.

4 THE WITNESS: Well, I told you.

5 **TESTIMONY OF NICOLE DEMAINE (DECKER)**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. Ma'am, this is the grand jury for Coos County,
9 and we're looking into the disappearance and death of Leah
10 Freeman.

11 You probably saw me do it, but I turned on a tape
12 recorder there, digital recorders.

13 A. Mm-hmm.

14 Q. We're recording the proceedings here, so I need
15 to tell you that. All right?

16 A. Okay.

17 Q. First of all, could you tell us your name,
18 please, and where you live.

19 A. Nicole Demain. Myrtle Creek, Oregon.

20 Q. And you were previously known as Nicole Decker?

21 A. Yes.

22 Q. Okay. And you're married to --

23 A. Randy Demain.

24 Q. Did you used to live here in the Coos County
25 area?

H.D. Knight

1 here.

2 GRAND JUROR: Mm, yes.

3 GRAND JUROR: Oh, yeah. (Laughter.) Thanks.

4 MR. FRASIER: Any other questions?

5 Okay, sir. That was -- will do it. You're free
6 to go.

7 THE WITNESS: Thank you.

8 GRAND JUROR: Thank you, Zack.

9 **TESTIMONY OF HUEY DELBERT KNIGHT**

10 (Witness sworn.)

11 THE WITNESS: Yes, sir, with the reservation that
12 all I know is hearsay and rumors.

13 GRAND JUROR: Well, whatever you say is just to
14 your knowledge.

15 THE WITNESS: Other than that -- (laughs.)

16 BY MR. FRASIER:

17 Q. Okay.

18 A. Best of my knowledge.

19 Q. All right. Mr. Knight, this is the grand jury
20 for Coos County, and they're looking into the
21 death/disappearance of Leah Freeman.

22 A. Leah Freeman, okay.

23 Q. Okay. I think it's obvious, but I need to tell
24 you, I've got two different recorders going, recording the
25 proceedings, okay?

H.D. Knight

1 A. Yeah.

2 Q. First of all, sir, could you tell the grand jury
3 your name and where you live.

4 A. Huey D. Knight, Jr. And I live on Lone Pine Lane
5 out in McKinley.

6 Q. How long have you lived out there, sir?

7 A. About 24 years.

8 Q. I see you're a member of the Fairview Fire
9 Department?

10 A. Yes. Dora-Sitkum, Fairview. I'm a lieutenant
11 over in Dora, and I'm a safety officer at Fairview, and then
12 I'm also with Coquille and Myrtle Point ambulances as an EMT
13 first responder.

14 Q. Oh. So you're kind of busy?

15 A. Yeah.

16 Q. (Laughing.) All right.

17 Mr. Knight, I -- the reason I brought you here
18 today was because -- well, let me back up a little bit, okay.
19 You're acquainted with the McGuffin family, Bruce and
20 Kathleen?

21 A. Yes. Yes.

22 Q. How well have you known them?

23 A. Well, I first became acquainted with them through
24 Kathy's sister Julie, some number of years ago. And I can't
25 tell you back when, in maybe the early '90s or before. And

H.D. Knight

1 Bruce and Kathy's two boys, Wayne and Nick, were
2 approximately my two daughters' ages, and they went to school
3 together, so that's kind of how I've inter-tied and knew
4 them.

5 Q. Okay. Part of the reason that I've -- well, the
6 main reason I brought you here today, is earlier this year a
7 search warrant was done on the home of Mr. and Mrs. McGuffin
8 and some documents were seized. There were some other
9 documents that the police had come into possession from the
10 McGuffin family, perhaps back as in 2004. And as part of
11 those documents, the McGuffin family seem to believe that you
12 have information that would exonerate Nick as being the
13 person responsible for the death of Leah Freeman.

14 What information do you have about Leah Freeman's
15 death?

16 A. Well, I would say that that's actually a false
17 statement, and I have no information personally that would
18 exonerate or apply guilt to Nick in any way. I was not
19 there, have no personal information. You know, the only
20 thing I've got -- and, you know, it's as I inter -- when I
21 was interviewed by state and county and federal folks, and
22 everything, you know, is rumors. That's -- that's all I've
23 ever heard. But as far as any information, how could I
24 possibly exonerate Nick or anybody else, I wasn't there.

25 Q. Now, you have two daughters; is that correct?

H.D. Knight

1 A. Yes, Magdalena and Makayla (phonetic).

2 Q. And Magdalena, sometimes referred to as Maggie?

3 A. Yes, that's the one we call Maggie, yes.

4 Q. And --

5 A. And then Kayla.

6 Q. -- Kayla. And Kayla is in Arizona now?

7 A. Yes, sir. Yes, sir.

8 Q. Let me see if I can find them. I'm just going to
9 look here in the paperwork real quick. (Pause.)

10 A. Do you mind if I turn my chair a little bit?

11 Q. Oh, certainly. You can do whatever you want. I
12 have --

13 A. Yeah, it will keep me from -- (laughing) --
14 hopefully I can kind of share. There we go. How's that?

15 Q. Okay. This is a notation in their paperwork from
16 the McGuffin home. It's dated October 8th, 2000. I'm just
17 going to read it to you.

18 A. Okay.

19 Q. "Kathy" -- which was Kathy McGuffin -- "calls
20 Julie," which is her sister; is that correct?

21 A. Yes.

22 Q. -- "because we want to know what Delbert knows.
23 She calls him and then us. He won't say who, but
24 someone respectable or an authoritative female adult who
25 knows for a fact Alicia" -- and I believe they're

H.D. Knight

1 referring to Alicia Michaud --

2 A. Okay.

3 Q. -- "knows something. Alicia is back from rehab
4 and is now in Coos County jail. She saw bloody clothes
5 and knows all. Since Leah's disappearance, Alicia is so
6 freaked out she stayed high on drugs to forget, and that
7 was the reason she was sent to rehab."

8 Were you the source of that information, sir?

9 A. No, I -- I guess I -- I vaguely remember my -- my
10 daughters mentioning that Alicia might know something.

11 Q. Okay.

12 A. You know.

13 There again, that's just rumors, you know.

14 Q. As much as you can recall, that's all you would
15 have said, is Alicia might know something?

16 A. Yes.

17 Q. All right. Now, the next notation, this is on
18 November 11th of 2001: "Information from Julie from Maggie
19 Knight" -- that would be your daughter?

20 A. Yes.

21 Q. "Maggie's sister Makayla, now living outside
22 Tucson, and Josh McNair partied at the Stemmermans'
23 house the weekend after Leah disappeared, and supposedly
24 saw Leah at the Stemmermans' house."

25 Has your daughter ever told you anything like

H.D. Knight

1 that?

2 A. No.

3 Q. Okay. Also, "Makayla told Maggie that the night
4 Leah disappeared, five people in Kristen Steinhoff car
5 hit her; Rowdy, Tom, Bill, Alicia, Kristen. And threw
6 Leah in the trunk, went out to Hudson Ridge and when
7 opened the trunk she was still alive and they beat her.
8 Supposedly Leah was taken to Tom's basement."

9 Have you ever heard that before?

10 A. No.

11 Q. All right. The next notation in the paperwork
12 they have is November the 12th of 2001, and I'm just again
13 going to read this to you, okay?

14 And, um, "At approximately 9:30 a.m. Bruce went
15 to see Delbert."

16 Do you recall Bruce coming and seeing you that
17 day?

18 A. On what date?

19 Q. November 12th, 2001.

20 A. That would be hard to remember. Um, at what
21 time?

22 Q. Well, it says about 9:30, but let me tell you
23 what he says --

24 A. Okay. That might -- that might help.

25 Q. -- (indiscernible). That might jog your memory.

H.D. Knight

1 A. Because I saw him off and on, here and there, you
2 know.

3 Q. Okay. "When Bruce confronted Delbert, Delbert
4 said he knew Nick had nothing to do with Leah's murder.
5 In fact, on Saturday night, July 1, 2000, Kayla had gone
6 to Tom Stemmerman's house to buy some drugs. When she
7 walked into the living room, Denise Freeman was sitting
8 on the couch. Kayla proceeded to the back of the house
9 to Tom's room. She noticed in an adjacent room, through
10 the crack of the door, a young blonde girl in a chair
11 that was bound and gagged. She realized later it was
12 Leah. What bothered her the most was that Denise
13 Freeman was also in the house."

14 My understanding is Mr. McGuffin is saying you
15 told him that.

16 A. No.

17 Q. Okay.

18 A. No, sir.

19 Q. "Delbert proceeded to tell Bruce that Kayla is
20 scared for her life. If they found out they saw Leah
21 that night, she would be killed. Delbert said, What can
22 I do? I have to protect my family, so I sent her away.

23 "Bruce said, Why didn't you tell us sooner? Why
24 are you all running and leaving us to hang? I thought
25 you were our friends. You totally f'd us, Delbert.

H.D. Knight

1 Where is she?

2 "At that time Maggie came out of the bedroom.
3 Bruce asked her if she knew all of this too. She said
4 yes. Bruce said, You've been coming out to see us
5 several times this past year and you never thought about
6 telling us what happened. You people are really f'd up.
7 I can't believe that we've known you people for two
8 decades and this is how you treat us.

9 "Delbert said" -- I'm assuming she's referring to
10 the Makay -- he's referring to Makayla -- "that she was
11 in Arizona. Bruce asked if I would have her come back
12 and testify to what happened. Delbert said he would
13 have her come back and we didn't have to worry. Bruce
14 told him he hoped he was going to keep his word."

15 Did any type of conversation like that ever occur
16 between you and Mr. McGuffin?

17 A. I do -- honestly do not recall that kind of a
18 conversation ever happening. I don't remember any of that.
19 That's the first time I've ever heard that kind of a
20 conversation.

21 Q. All right. Let me look through here just a
22 little bit more.

23 GRAND JUROR: Has he been over to your house?
24 Back then, did he come over?

25 THE WITNESS: Yes.

H.D. Knight

1 GRAND JUROR: Okay.

2 THE WITNESS: Yes. I -- I vaguely remember him
3 asking me some questions at one time or another, what I might
4 know. And I just told him all I've heard is rumors, Bruce.
5 I know nothing. I wasn't there, and rumors are kind of like
6 rheumatoid arthritis, you know. It's nasty, it's persistent,
7 it hurts.

8 BY MR. FRASIER:

9 Q. Yeah.

10 A. You know. They're not worth passing on,
11 particularly, you know.

12 GRAND JUROR: Did you ever get in an argument
13 with him about that? Do you recall an argument?

14 THE WITNESS: You know, I did get in an argument,
15 and I wouldn't really call it an argument. They were
16 accusing me at Julie's house. Her and her boy Joe were
17 accusing me of spreading rumors and saying things that
18 weren't untrue -- that were untrue, about Nicholas. And I
19 told Julie and Joe both at that time, and that was at Julie's
20 house over in North Bend, I said, I don't know what you're
21 talking about, Julie. I haven't done any of that.

22 And we've been estranged from the McGuffins and
23 from Julie ever since then. We were good friends before
24 that, but basically ever since then we've been estranged.
25 I've seen Kathy up at the hospital a few times, either when

H.D. Knight

1 I'm going in to get testing or when I was up there doing my
2 medical stint, you know, for my EMT certification.

3 The last time I saw Kathy I asked, you know, How
4 are you doing? She said, Well, fine if everybody'd quit
5 lying. And I said, Well, what are you talking about? And
6 she's, Well, you know. And I went, Well, I don't know. And
7 went on about my business.

8 But -- and there wasn't really argument. I mean,
9 Julie and Joe kind of put the third degree on me, you know,
10 trying to get me to say some things. And I told them, just
11 like I told you guys, the only thing I've heard is rumors,
12 and I don't like spreading rumors. They've come to me,
13 and -- the rumors have, but I don't like to pass them on
14 because, number one, I wasn't there.

15 I really don't have any personal knowledge of
16 whatever might have taken place with Leah. Hope it gets
17 solved. Hope whoever's responsible has to account for it.
18 But I have no personal knowledge. You know, I -- like I
19 said, it's rumors.

20 BY MR. FRASIER:

21 Q. Okay. Do you have any reason to believe that
22 either one of your daughters were involved in Leah's death --

23 GRAND JUROR: No.

24 BY MR. FRASIER:

25 Q. Well, it's kind of a tough question to ask,

H.D. Knight

1 but --

2 A. Well, I -- I mean, I know my daughters better
3 than anybody, and -- and they're just not that kind of
4 people, at all. They were both very upset about it. Maggie,
5 my oldest daughter, is engaged to Mark Shields, who is Cory's
6 nephew, you know. So there's kind of a connection there, you
7 know. And plus I went to school with the Courtright's, you
8 know, and so I've known them since way back. And I know that
9 Cory's been really suffering, the family. And if I'd have
10 known anything, I'd have come forward a long time before now.

11 Q. Okay. These are some questions I've been asking
12 everybody, okay?

13 Has anybody told you that they killed Leah
14 Freeman?

15 A. No.

16 Q. Has anybody told you that they saw Leah Freeman
17 being -- that they saw whatever happened to Leah Freeman?

18 A. No.

19 Q. Okay. Outside of what I asked you here today,
20 sir, is there anything you think this grand jury needs to
21 know?

22 A. Well, a couple of things. I mean, Makayla
23 back -- back after this had happened, you know, after Leah
24 disappeared, had told me that her and -- and Alicia knew some
25 things, you know. Couldn't get her to tell me what it was.

H.D. Knight

1 The only other thing that I can remember -- and
2 it does stick in my memory because I had a similar experience
3 when I was a teenager. I was in Frazier's coffee shop one
4 morning, I think it was on a Saturday morning. And I
5 overhead some kids at a couple of tables behind me and it
6 sounded like they were kind of like making up scenarios,
7 trying to figure out, you know, where Leah was or what had
8 happened to her, and that sort of thing. And I'd heard one
9 of them say that -- that Nick was very possessive, very
10 jealous. That he had been looking for her and she wasn't
11 where she was supposed to be, and that he was driving around
12 looking for her, and when he saw her wanted to frighten her
13 and teach her a lesson, um, in driving real close to her at
14 a -- at a pretty good rate of speed. And this kid said
15 that -- you know, that he felt that Nick had messed up, you
16 know, in his judgment or whatever, and actually hit her.

17 Q. Mm-hmm.

18 A. When I turned around to see who was -- you know,
19 who this conversation was coming from, I didn't recognize the
20 four boys that were sitting there talking, and they got up
21 and left right away.

22 Q. Okay.

23 A. Like I say, a similar situation actually happened
24 to me one night coming home from a late dance at the
25 Fairview -- or not Fairview, I'm sorry, the Myrtle Point

H.D. Knight

1 fair.

2 Q. Mm-hmm.

3 A. And I was hitchhiking out of Myrtle Point, in
4 that straight stretch where all the guardrail goes for about
5 a mile there.

6 Q. Yeah.

7 A. And hitchhiking, and here comes a car, and it was
8 coming closer and closer and closer to me leaning against the
9 guardrail. And finally at the last second I kind of bailed
10 over the guardrail backwards, you know. And I really feel
11 that if I hadn't have done that, that those guys would have
12 hit me.

13 And they screeched to a stop, got out of their
14 car, you know, laughing and joking as I'm crawling up the
15 bank. And, Here, come on, we'll give you a ride. I noticed
16 that they were obviously been drinking and I was like, No,
17 you almost hit me. Get away from me.

18 And I -- I experienced that --

19 Q. Yeah.

20 A. -- so that's why it kind of rang true to me when
21 I heard those boys talking about that. I -- I thought, well,
22 that sounds very familiar (laughing), and turned around to
23 see who it was.

24 Even though my two daughters were in Coquille for
25 junior high and high school, I knew very few of the kids

H.D. Knight

1 because I, you know, live out in McKinley, and was working at
2 the time, and -- and -- through those years. And -- and I --
3 I just -- I didn't go to a lot of functions. A few
4 basketball games, things like that. My wife Linda, she went
5 to most of the functions, and she knew a lot more of the kids
6 than I did. So I didn't recognize any of those boys that
7 day.

8 Other than that, I really can't remember some of
9 the other things. I know there's probably other rumors that
10 I heard, you know.

11 Q. Right.

12 A. I just kind of discounted them and let them go.

13 Q. Outside of that, is there anything else you know
14 that could help the grand jury here?

15 A. Uh, I really don't think so.

16 Q. Okay.

17 A. I don't think there's anything else I have to
18 offer.

19 MR. FRASIER: Does the grand jury want to ask
20 Mr. Knight any questions?

21 GRAND JUROR: How well did you know Nick?

22 THE WITNESS: Pardon?

23 GRAND JUROR: How well did you know Nick?

24 THE WITNESS: Well, I knew Nick from the time he
25 was a pretty little guy, you know.

H.D. Knight

1 GRAND JUROR: Would you say --

2 THE WITNESS: But as far as hanging out with him
3 or anything, you know, the vast age difference and
4 everything, the few times that I'd seen the McGuffins. Never
5 been to McGuffins' house. So it was generally, you know,
6 seeing them in passing. Seeing him around my -- my daughters
7 or whatever, you know, at some function or something. So not
8 really very well, you know.

9 GRAND JUROR: Okay.

10 THE WITNESS: Him or Wayne, either one. I -- you
11 know. I knew them. But closely? No, not really.

12 GRAND JUROR: Did you know Cory very well?

13 THE WITNESS: Yes, I -- I remember Cory from
14 school, you know, back in my school days. And not, you know,
15 real close to her either, but knew her. Knew her sisters and
16 stuff, out -- like I said, my -- my eldest daughter is
17 engaged to Mark, and that's her nephew. I don't know how
18 many times have I seen her in my life. Not very many, other
19 than back in school, you know. And I believe she was --
20 can't remember whether she was in front of me or behind me.
21 There was a couple of sisters there, one ahead of me, and I
22 think one behind me.

23 GRAND JUROR: You said you were kind of pretty
24 good friends with the McGuffins at one time?

25 THE WITNESS: Yeah.

H.D. Knight

1 GRAND JUROR: Did the parents use drugs of any
2 sort, that you were aware of?

3 THE WITNESS: Uh, I don't really have any
4 personal knowledge of that. Um, I know the kids were always,
5 you know, experimenting around and --

6 GRAND JUROR: Right.

7 THE WITNESS: -- one thing and another. Most all
8 kids do. (Laughing.)

9 Oh, you know, the other thing that I do remember
10 my daughter Maggie telling me, was that her and Makayla had
11 gone to the McGuffins' house, I think where they're currently
12 living now. Nick had restored -- Nick and Bruce had restored
13 this car, done a complete restoration on it for Nick. And
14 Maggie and Kayla said they'd gone over there to visit, or
15 whatever they were doing, and they noticed that there was a
16 makeshift like paint booth, a plastic structure in the side
17 yard there. And that they were working on Nick's car again.
18 And Maggie goes, Well, what's -- you guys have completely
19 restored that. What's going on there?

20 And -- and then she told me that they decided
21 they didn't like the way the -- the trunk had come out, so
22 they were replacing the lining in the trunk and redoing that.
23 And she thought that was a little strange, in light of that,
24 and also telling me that Nick was acting pretty strange. He
25 was acting, you know, out of sorts, not normal for Nick.

H.D. Knight

1 GRAND JUROR: What kind of time frame was this
2 after she went missing, that they saw that?

3 THE WITNESS: That I can't tell you. I really
4 can't remember. I'm not sure that Maggie ever told me when
5 that was. It was sometime after she was found.

6 GRAND JUROR: Right.

7 BY MR. FRASIER:

8 Q. Um --

9 A. As far as I know.

10 Q. Is one of your daughters still here local?

11 A. Yes.

12 Q. Which one is that?

13 A. Maggie.

14 Q. Maggie?

15 A. Yes.

16 Q. I thought I had subpoenaed her, but I'm not
17 seeing her on my list.

18 A. I'm surprised that you didn't, you know. I mean,
19 she's here and --

20 Q. Yeah.

21 A. -- she probably has some things to offer. I --

22 Q. Yeah, I will. I will add --

23 A. She'd already -- she'd also told me that she's
24 kind of surprised that Mark hadn't been subpoenaed because he
25 had been riding around with Nick at some point earlier,

H.D. Knight

1 whatever, that evening, looking for Leah.

2 Q. Okay.

3 A. And then, you know, it became time for him to go
4 home or do whatever, and they separated, you know.

5 Q. Mark who?

6 A. Shields.

7 Q. Mark Shields, okay.

8 A. Yeah, that's -- that's Cory's nephew. Yeah.

9 Q. And just off the top of my head, I've -- and as
10 you can see there's a bit of -- to this case.

11 A. Good grief.

12 Q. I don't remember Mark's name coming up. It may
13 very well be in there, but --

14 A. Yeah.

15 Q. Are they living together?

16 A. Yes.

17 Q. And --

18 A. Yeah, they're engaged. They have a son together.

19 Q. Where do they live?

20 A. They just moved.

21 Q. Oh, okay.

22 A. See if I can remember the address now. It's on
23 like North 15th Place. Or East --

24 Q. I'll have --

25 A. -- 15th Place. I'm not sure. I could tell you

H.D. Knight

1 on the map, or show you about where it is. It's -- you know
2 where Milky Way Dairy --

3 Q. Yeah.

4 A. -- and -- and the feed shop and everything is?
5 It's kind of up on the hill up there.

6 Q. Okay.

7 A. So you go just past -- coming from Fairview, that
8 first right-hand turn --

9 Q. After --

10 A. -- that would come into Tenth Street, and that's
11 sort of thing --

12 Q. Right. Yeah.

13 A. You take that right-hand -- or left-hand, I'm
14 sorry, turn there, and -- and then another left, and it goes
15 up that gravel road that goes up the hill --

16 Q. Right.

17 A. -- there. They just moved up there.

18 Q. Okay. I'll have the police go talk to them.

19 A. Yeah.

20 Q. Okay.

21 A. Yeah. Easy to find.

22 Q. Okay. All right.

23 A. I mean, I could give you her phone number, if it
24 would help.

25 Q. Do you know the phone number off the top of your

H.D. Knight

1 head?

2 A. Yeah. 503 --

3 Q. 503.

4 A. Yeah, it's a cell phone.

5 Q. Okay.

6 A. 881 --

7 Q. 881.

8 A. -- 5628.

9 Q. 5628.

10 A. Yeah.

11 Q. I'll have the police go looking for them.

12 A. Yeah. Yeah. The last time I talked to Maggie, I
13 think it was last week -- no, actually I talked to her
14 yesterday. But the time I talked to her about that I was
15 going to be coming in to grand jury, she's, Yeah, I'm really
16 surprised that they didn't serve Mark and I with the
17 subpoenas.

18 Q. Well, I thought I had her at least, so --

19 A. Yeah.

20 Q. -- I will take care of that.

21 A. Yeah. Okay. Yeah.

22 GRAND JUROR: The Mustang -- the vehicle, the
23 blue Mustang, that Bruce and Nick --

24 THE WITNESS: Restored?

25 GRAND JUROR: -- restored, did you get to see it

H.D. Knight

1 when it was restored?

2 THE WITNESS: Got to think about that for a
3 minute.

4 GRAND JUROR: In particular, did you ever see
5 what they did with the trunk?

6 THE WITNESS: I --

7 GRAND JUROR: What did they -- how did they
8 restore that?

9 THE WITNESS: No, I didn't see anything that --

10 GRAND JUROR: Or did you hear anything? Did they
11 put a liner in? Put white --

12 THE WITNESS: I think I saw it -- or one of the
13 girls, you know, riding with me, said, Oh, there's -- there's
14 Nick's car that he restored. You know, and pointed it out
15 like at the high school parking lot or someplace. And so
16 I -- you know I'd seen it then.

17 Maggie said that she was kind of surprised that
18 -- that after having restored this car from top to bottom,
19 side to front, the whole thing and everything, and including
20 the trunk -- and that she had seen the trunk, and it looked
21 real nice and everything. You know, the whole interior of
22 the car. Why would they be ripping that out and doing it
23 over again?

24 And -- and their -- they told her, said, Well, we
25 just didn't like the way it came out, so we're doing it over

H.D. Knight

1 again.

2 MR. FRASIER: Okay. Any other questions for
3 Mr. Knight?

4 Okay, sir. I think that will do it. You're free
5 to go.

6 THE WITNESS: Okay.

7 GRAND JUROR: Thank you.

8 MR. FRASIER: Thank you for coming in.

9 THE WITNESS: All right. Hope I helped. Like I
10 said, I don't know much.

11 (End of recording.)

12

13

14

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16 --oOo--

17

18 I certify, by signing below, that the foregoing pages 1
19 through 131 constitute a correct transcript of WAV files
20 provided of the above-entitled matter, this 1st day of April,
21 2011.

22

23

24 _____
PEGGY S. JILLSON, TRANSCRIBER

25

H. Lindegren

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TESTIMONY OF HJORDIS LINDEGREN

(Witness sworn.)

BY MR. FRASIER:

Q. Okay, ma'am. First of all, this is the grand jury for Coos County. And they're looking into the disappearance and death of Leah Freeman. And you saw me do it, but I got to tell you, we are recording what's going on here today.

A. Yes.

Q. So first of all, could you tell us your name and -- well, you're the librarian here in Coquille, are you?

A. I'm one of the library assistants.

Q. Library assistant. Okay.

A. Mm-hmm.

Q. Well, just tell us your name please.

A. Okay. My name is Jordi Lindegren, and I live in Coquille, and I work at the Coquille public library.

Q. How long have you worked at the library?

A. Oh, let's see, what year is this? Oh, my goodness. Coming up on 27 years.

Q. Wow. Good grief, you must know my kids as well as --

A. I -- yes. I've helped raise your children. (Laughter.) And they're wonderful children, they are.

Q. That could be good or bad.

H. Lindegren

1 Ma'am, the previous witness, John Lindegren, he's
2 your brother; is that right?

3 A. He's my twin brother, mm-hmm.

4 Q. Twin?

5 A. Yes.

6 Q. Really?

7 GRAND JUROR: You look so much alike.

8 THE WITNESS: Can't you tell? (Laughter.)

9 BY MR. FRASIER:

10 Q. Okay. Well, I didn't know that. I learn
11 something new every day.

12 Ma'am, I want to direct your attention to June
13 28th, 2000, which is the day that Leah disappeared.

14 A. Yes, mm-hmm.

15 Q. Was your brother over at your house that day?

16 A. Yes.

17 Q. And do you remember about what time of the day it
18 was he came over?

19 A. Well, I can give you a little -- to back up. My
20 brother would come over to my house one time a week. We had
21 the ritual. It was called *Survivor*. And he would -- I wound
22 up with custody of his dog Osa (phonetic), so that was his
23 custodial day to walk the dog, have dinner, watch *Survivor*,
24 and go home.

25 So that day -- and again, ten years ago, but I

H. Lindegren

1 doubt that it -- my recollection was it didn't deviate too
2 much from course, where he would show up at anywhere between
3 6:00 and 7:00. We'd have dinner. *Survivor* was on at 8:00 on
4 Wednesdays. Watched the program. He'd do the dog on a short
5 walk, and he'd go home.

6 Q. And the reason I brought you in today was kind of
7 to confirm those dates.

8 A. Mm-hmm.

9 Q. The *Survivor* episode that you watched that night,
10 was that the night Rudy got voted off?

11 A. Rudy -- it was something to do with Rudy. That's
12 what I really can remember. It was -- because he was our
13 guy, and I know John was T-O'd about something that had
14 either been done to Rudy or that, because he was stomping
15 off. And -- in regards to Rudy. So --

16 Q. And that was the first season of *Survivor*?

17 A. It was the first season of *Survivor*.

18 Q. Did John later tell you anything about seeing
19 Leah Freeman?

20 A. Yes. He had said that he had run into Leah and a
21 bunch of kids on the corner. He had talked to -- again, his
22 name is Des Couch (phonetic), the neighbor, was out watering
23 plants, and doing his hedge. And -- newly retired gentleman,
24 who had a lot of time on his hands, who was kind of our own
25 little neighborhood watch. And it -- John always talked to

H. Lindegren

1 him, when he'd come around. Everybody knew John's schedule
2 with the dog, and they'd be out there to talk to him.

3 And they were, you know, going past, and then
4 John had mentioned that Leah -- he went -- he'd run into
5 Leah, and said hi to her and stuff --

6 Q. Right.

7 A. -- on the street.

8 Q. Did he mention seeing Nick McGuffin there with
9 her?

10 A. Yes. He mentioned that later, and in -- he
11 didn't mention that in that same conversation. I think that
12 was like the next day's conversation.

13 Q. Mr. Couch, who you refer to, he's since passed
14 away?

15 A. Yes, he's since passed away.

16 Q. Outside of what you told us here today, you don't
17 have any other knowledge about what happened to Leah Freeman?

18 A. No.

19 MR. FRASIER: I don't think I have any other
20 questions for her. Does the grand jury want to ask her
21 anything?

22 GRAND JUROR: Do you know what time for sure it
23 was that your brother left?

24 THE WITNESS: Okay. *Survivor* got over at nine
25 o'clock. And they would -- it's usually about a five-minute

H. Lindegren

1 thing they would do, what's happening the next week on
2 *Survivor*. And I actually think that John had missed that
3 part because he was -- he'd leash up the dog and stuff, and
4 head out the door. So it was -- he probably left my house
5 close to 9:00, maybe a little bit after that. I'm a little
6 iffy on that. It -- actually, it could have been as much as
7 like ten after 9:00, right in there. And -- and then would
8 do usually it was a half-hour to 45-minute walk, sometimes an
9 hour.

10 GRAND JUROR: So he took the dog for a walk after
11 *Survivor*?

12 THE WITNESS: Yes. That's what I'm remembering.

13 GRAND JUROR: The -- when he said he saw Leah --

14 THE WITNESS: Mm-hmm.

15 GRAND JUROR: -- was it when he was walking the
16 dog or when he was walking -- he brought the dog back, and
17 then walked home, correct?

18 THE WITNESS: He brought the dog back to me, and
19 then he went back out, but he'd come back to the house. So
20 it was -- yeah, that's true. He did -- he came back after.
21 So it would have been on the walk out -- he wasn't that
22 clear. I always assumed that it was when he walked out the
23 second time.

24 GRAND JUROR: That's what -- well, we got the
25 impression --

H. Lindegren

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1 GRAND JUROR: Without the dog.

2 THE WITNESS: Mm-hmm. Without the dog, yeah.

3 GRAND JUROR: Right. You said he was walking
4 home.

5 THE WITNESS: Oh, okay. That would -- that --
6 that's kind of what I'm remembering too.

7 GRAND JUROR: So he would have walked the dog for
8 five to ten minutes, after the show --

9 THE WITNESS: It was longer than that.

10 GRAND JUROR: So 15 minutes, so 9:15. Then he
11 brought the dog back.

12 THE WITNESS: Right.

13 GRAND JUROR: Then he walked home?

14 THE WITNESS: Yes.

15 GRAND JUROR: And then he told you the next day
16 that he had seen --

17 THE WITNESS: No, he came back to the house.

18 GRAND JUROR: After he went home?

19 THE WITNESS: No, no. He -- okay. He'd walk the
20 dog. He brought it back. And then he'd gone out. He had
21 forgotten something. He'd forgotten his -- his -- it was
22 like a jacket. Came back in and said goodbye, and headed out
23 the door.

24 GRAND JUROR: So I'm a little confused.

25 THE WITNESS: He -- it was on his way home.

H. Lindegren

1 GRAND JUROR: And then he came back?

2 THE WITNESS: He got -- yeah, he --

3 GRAND JUROR: Oh, and then he left again.

4 THE WITNESS: Right. Yeah.

5 GRAND JUROR: Oh, okay.

6 THE WITNESS: It was -- he was -- he was sans
7 dog, the last time. Yeah, which -- sometimes it would take
8 up to three times to get John home.

9 GRAND JUROR: Okay. (Laughter.)

10 THE WITNESS: Because he was -- (laughing). And
11 actually I do think that he did take some food, took some
12 food with him too. That was part of the deal.

13 GRAND JUROR: When he came -- so he -- when he --
14 as he headed home, he came back, said he'd seen Leah?

15 THE WITNESS: Yes.

16 GRAND JUROR: And then headed home again?

17 THE WITNESS: Yeah.

18 GRAND JUROR: And -- okay.

19 THE WITNESS: Yeah. Because I think that's when
20 he was talking to Des, because there was -- he left and I
21 thought he was gone, and he actually was just talking to the
22 neighbor and came back for goodies later.

23 GRAND JUROR: He didn't mention Nick at that
24 time? He just mentioned that he had seen Leah?

25 THE WITNESS: No, that was -- well, the only

H. Lindegren

1 other thing I think I have to contribute on that portion of
2 it is I work at the library. And the police the next day
3 were coming in, and they were looking for Leah Freeman. And
4 that's when I knew that John had talked to her, so I tracked
5 John down. Called him, and said, You need to talk to the
6 police because they're looking for Leah Freeman and you saw
7 her.

8 And he -- he came down to the library and said,
9 Well, what's going on? I said, I don't know, they were
10 looking at her -- you know, looking for her, and you need
11 to -- but that was like the next day. That wasn't -- that
12 was not -- or rather, possibly even two days later. It
13 wasn't immediate. It wasn't like the next morning that they
14 came in. It was like Thursday, Friday, that kind of -- I
15 want to say Friday, even. It was a couple of days.

16 And to the best of my knowledge, that's when he
17 called the police and told them what he knew.

18 GRAND JUROR: Okay. And you're clear that it was
19 after *Survivor* that he started walking the dog?

20 THE WITNESS: Oh, yeah, it was.

21 GRAND JUROR: And that the normal dog walk was 45
22 minutes, you said?

23 THE WITNESS: It -- well, it would depend on
24 if -- how lazy the dog was, or how lazy John was. But it
25 would -- anywhere -- it was -- it was never a long marathon

L. Cook

1 walk with the dog, it was anywhere from 10 minutes to a half
2 an hour, he would walk the dog. And --

3 GRAND JUROR: Okay. And was it your impression
4 that he saw Leah while he was walking the dog? Or after he
5 returned the dog, started home, oh, and then forgot something
6 and came back.

7 THE WITNESS: Well, I assumed it was after he had
8 come back, but it could have been at -- while he was walking
9 the dog. But I always assumed it was when he was headed for
10 home.

11 GRAND JUROR: Do you recall about what time that
12 was, after he walked the dog, started home?

13 THE WITNESS: (Sighs.) 9:30-ish. Right in
14 there. I guess. That's a -- again, ten years. That's a --
15 just from the coming and going. It could have been as -- it
16 was before ten o'clock. It could have been as late as maybe
17 9:45. But I'm -- I'm still thinking it was closer to -- to
18 9:30.

19 MR. FRASIER: Okay. Any other questions for
20 Ms. Lindegren?

21 Okay. You can go.

22 THE WITNESS: Good. Thank you.

23 **TESTIMONY OF LISA COOK (COLEMAN)**

24 (Witness sworn.)

25 BY MR. FRASIER:

J. Lindegren

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1 right?

2 A. No.

3 MR. FRASIER: All right. I don't think I have
4 any other questions for Ms. Brugnoli. Does the grand jury
5 want to ask her anything?

6 Okay. Free to go.

7 THE WITNESS: All right. Sorry I wasn't that
8 much help.

9 **TESTIMONY OF JOHN LINDEGREN**

10 (Witness sworn.)

11 BY MR. FRASIER:

12 Q. Sir, this is the grand jury for Coos County, and
13 we're looking into the disappearance of Leah Freeman and her
14 death.

15 A. Mm-hmm.

16 Q. Okay? And first of all, I've got to tell you,
17 you saw me do it, but we've got two different recording
18 devices recording the proceedings. Okay?

19 A. Yes, sir.

20 Q. All right. Mr. Lundegren [sic] -- well, first of
21 all, could you tell us your name and where you live, please.

22 A. John James Lindegren. 115 in Myrtle Point.
23 It's -- it's on the Ash over there in Myrtle Point.

24 Q. How long have you lived over in Myrtle Point,
25 sir?

J. Lindegren

1 A. Two and a half years.

2 Q. You have a sister that lives over here in
3 Coquille?

4 A. Yeah, 551 West Fourth Place.

5 Q. Your sister's name is?

6 A. Hjordis.

7 Q. Hjordis?

8 A. Yes.

9 Q. And it's Lindegren?

10 A. Yes, sir.

11 Q. I apologize for using the wrong last name.

12 A. That's fine.

13 Q. You have a nickname here in town of Big John?

14 A. That's me.

15 Q. Okay.

16 A. That's me.

17 Q. All right. Well, sir, I want to direct your
18 attention back to the year 2000 --

19 A. Mm-hmm.

20 Q. And in particular I want to draw your attention
21 to the evening of June 28th, 2000. Were you at your sister's
22 house watching television that night?

23 A. Yes, sir, I was.

24 Q. Were you watching a show named *Survivor*?

25 A. Yes, I was.

J. Lindegren

1 Q. And was that the night Rudy got voted off?

2 A. I think it was. (Laughter.)

3 Q. Kind of upsetting that Rudy got voted off?

4 A. I didn't care. My sister was really into it, but
5 I wasn't all that into it.

6 Q. Okay. Now, where your sister lives, that's back
7 behind the McKay's store, back in that area?

8 A. Yes, sir, it is.

9 Q. Now, after the show got over, did you go for a
10 walk or walk out from your sister's house?

11 A. Yeah, I was walking to my -- my residence. I had
12 been up there. She was taking care of my big chow dog I had
13 up there, so I went up and checked up on it. And I was up
14 there for a couple of hours, and then I watched that TV
15 program. And after it was over I said my goodbyes and -- and
16 I took off.

17 Q. All right. And as you're walking -- and the show
18 got over with about -- at nine o'clock. Is that to the best
19 of your recollection?

20 A. Yes, sir.

21 Q. So it's after 9:00 when you're out there walking
22 towards your house?

23 A. Yeah.

24 Q. As you're walking, do you -- well, did you --
25 well, did you see a person later identified to you as Nick

J. Lindegren

1 McGuffin?

2 A. Yes.

3 Q. And did you see a person named Leah Freeman?

4 A. Absolutely.

5 Q. Could you tell us where they were when you saw
6 them?

7 A. Well, I walked around, down the alley where my
8 sister is, and I made the right-hand turn, and I walked down
9 that -- that -- the road, going to Fourth. And I saw them to
10 my left. They were probably -- I don't know, six feet from
11 me, maybe eight feet from me. And I said, you know, Hello,
12 and continued up to the road, and went down to McKay's and
13 then on home.

14 Q. Were they by any particular vehicle or anything
15 like that?

16 A. There was a pickup parked, like for instance,
17 there's a -- a place here, and then there's a place back
18 behind it. Then there's a little alleyway, I don't know, you
19 know, 18 feet wide or so. Then there's a place here and
20 there was a pickup parked here (tapping sound).

21 When I was walking down, I walked beside the
22 pickup, and they were over here, on the grass. And I just
23 said, Hello guys, and --

24 GRAND JUROR: So you were between them and the
25 pickup; is that what you're saying?

J. Lindegren

1 THE WITNESS: Yeah.

2 BY MR. FRASIER:

3 Q. Within a day or two you became aware that this
4 girl that you saw there, Leah Freeman, was missing?

5 A. Yeah. Yeah.

6 Q. And did you go to the police and talk to the
7 officer named Randy Ulmer, and tell him what you saw?

8 A. Yeah. And also I believe it was two FBI officers
9 also.

10 Q. Okay.

11 A. And I told them, and they said, Well, thank you
12 very much. We'll be talking to you.

13 And that was about ten years ago.

14 Q. Now, earlier this year the police came back to
15 you and talked with you about that?

16 A. Absolutely.

17 Q. And did they ask you to go with them and point
18 out where you were and --

19 A. Yes.

20 Q. And did you do that, sir?

21 A. Yes, sir, I did.

22 Q. And you showed them exactly where this all
23 occurred?

24 A. Absolutely.

25 Q. I'm going to have one of those officers come and

J. Lindegren

1 tell the grand jury exactly where that was at and so forth,
2 but --

3 A. Okay.

4 Q. All right. Do -- let me see. I've been kind of
5 asking everybody these questions, so I'll ask you these too.

6 Has anybody told you that they killed Leah
7 Freeman?

8 A. Nope.

9 Q. Has anybody told you they saw what happened to
10 Leah Freeman?

11 A. No.

12 Q. And you never had anything to do with her
13 disappearance either, did you?

14 A. Oh, absolutely not, sir.

15 Q. I've been asking everybody that. I don't want
16 you to take offense. Okay.

17 MR. FRASIER: I don't think I have any other
18 questions for Mr. Lindegren. Does the grand jury want to ask
19 him anything?

20 GRAND JUROR: Do you know what color the pickup
21 was?

22 THE WITNESS: No, ma'am. See, I had not known.
23 You know, if I'd known something was up, I'd have took -- you
24 know, mental notes. But I was just heading home.

25 GRAND JUROR: Sure.

J. Lindegren

1 THE WITNESS: I don't know.

2 GRAND JUROR: I understand.

3 THE WITNESS: I don't even know -- you know, it's
4 a pickup, but I don't know if it was a Chevy or Dodge or even
5 what color it was. I just -- I just walked around it.

6 GRAND JUROR: Do you know if it was a small one?

7 GRAND JUROR: Did it seem like a full-size or --

8 THE WITNESS: Yeah, it was a full-size pickup.

9 GRAND JUROR: You say it was Nick and Leah?

10 THE WITNESS: Yes.

11 GRAND JUROR: And you know -- did you know Nick
12 and Leah?

13 THE WITNESS: Yeah. Yeah, I knew him. You know,
14 I grew up around here. And I -- you know, I knew of -- Leah,
15 you know, I know her uncles and -- you know. I grew up
16 around here.

17 GRAND JUROR: Okay. Mm-hmm. And this was just
18 after nine o'clock?

19 THE WITNESS: I'd say, you know, to be real
20 honest, between 9:10 and maybe 20 after.

21 GRAND JUROR: Were they talking or saying
22 anything or --

23 THE WITNESS: Yeah. Yeah. No, they weren't --

24 GRAND JUROR: Just talking?

25 THE WITNESS: I didn't see any arguing or

J. Lindegren

1 anything. There were other people, down the driveway at that
2 little house, but I never paid attention to anybody there.

3 GRAND JUROR: They seemed to be separate from
4 everybody else, though?

5 THE WITNESS: Yes.

6 MR. FRASIER: Any other questions from
7 Mr. Lindegren?

8 GRAND JUROR: Is it just the fact that the pickup
9 was next to where they were sitting on the grass that linked
10 them together? Was there anything that you could tell if,
11 you know, the pickup was one of them --

12 THE WITNESS: No, the pickup was facing out
13 towards Fourth. And it was parked on the -- the right-hand
14 side. And it's real narrow there, so I walked around the
15 truck, and they were over here. And I just said hello and
16 continued on my way.

17 GRAND JUROR: Were they standing? Standing up?

18 THE WITNESS: Yes, sir.

19 MR. FRASIER: Any other questions?

20 Okay, sir. We appreciate you coming in.

21 THE WITNESS: Ayup (phonetic). And I appreciate
22 it also.

23 MR. FRASIER: Thank you.

24 GRAND JUROR: Thank you.

B. McGuffin

1 that.

2 THE WITNESS: Thank you.

3 **TESTIMONY OF BRUCE McGUFFIN**

4 (Witness sworn.)

5 BY MR. FRASIER:

6 Q. First of all, sir, this is the grand jury for
7 Coos County.

8 A. Good morning.

9 Q. They are looking into the death of Leah Freeman.

10 A. Okay.

11 Q. I think it's obvious, but I have to advise you
12 that we are recording the proceedings.

13 A. Oh, not a problem.

14 Q. Okay. First of all, sir, could you tell us your
15 full name and where you live.

16 A. Bruce Richard McGuffin. I live at 56246 Baker
17 Road, Coquille, Oregon.

18 Q. And you've lived in the Coquille area since about
19 1985; does that sound about correct?

20 A. Yeah, I've been living in Oregon since '74.

21 Q. Okay.

22 A. Yeah.

23 Q. And you're the father of Nick McGuffin?

24 A. Yes.

25 Q. And Wayne McGuffin?

B. McGuffin

1 A. Yes.

2 Q. I want to go back, sir, to about the year 2000 --
3 well, to the year 2000. Your son Nick had a girlfriend at
4 that time named Leah Freeman?

5 A. Right.

6 Q. How -- I guess -- do you recall when the
7 relationship started and how it went with him -- with Nick
8 and her?

9 A. Yeah. Started in the fall of '99, that they had
10 met. He spent Christmas with Cory and Leah, and then right
11 after that's when we met Leah. She ended up moving into our
12 house shortly after that because Cory's boyfriend tried to
13 molest her. So then Leah was living with us for
14 approximately three months before her death, although that
15 she did -- she had to be home at midnight, and had -- then
16 she could come back out at our house at 8:00 in the morning.
17 But from 12:00 to 8:00 she had to go home.

18 At that time Cory was on crank, Denise was on
19 crank. She wouldn't leave her boyfriend -- Cory wouldn't.
20 We eventually got to Cory and finally got her off the crank,
21 because I had known Cory for over 20 years prior to this.

22 Q. When you say "crank," you're referring to
23 methamphetamine?

24 A. Methamphetamines, yeah.

25 Denise was on them, and this was one thing that

B. McGuffin

1 Leah just was totally against. Nick happened to be -- when
2 she met Nick, he was in hard times. He was on the meth also.
3 And she got Nick off of it, and everything was happy.
4 Everything was going good. Cory stayed out at our house
5 quite often, usually on the weekends and that. And then as
6 for Denise, she was usually out there probably just about
7 every day also, but she's the other daughter.

8 Um, then she went disappearing. Disappeared one
9 night, and that's what started all this situation here.

10 Q. How well did Nick and Leah get along?

11 A. They did really good. The biggest problem that
12 they had was their friends. Their friends liked to interfere
13 into their situation. The night of her abduction, they were
14 arguing that night because Leah's girlfriend, which was her
15 best girlfriend, had called her up early that morning and
16 said that her mother needed to talk to her. And we knew
17 where all this was going to go, so they were there arguing
18 about that because Leah didn't want to go, Nick didn't want
19 her to go, but Leah figured since it was her best friend that
20 she needed to go to this woman's house and get bitched out,
21 was pretty much what it was.

22 So --

23 Q. Let me ask you a question, sir.

24 A. Okay.

25 Q. What's the source of information you have for

B. McGuffin

1 that?

2 A. That's directly from the -- the girlfriend and
3 the mother. Yeah.

4 Q. Okay. You personally spoke with Cheri Mitchell?

5 A. Yes, I did.

6 Q. And with Mrs. Mitchell?

7 A. I personally spoke to the -- to Cheri and to
8 the -- the daughter.

9 Q. Okay.

10 A. And the daughter, she was really upset because
11 she didn't feel that what she was saying to Leah -- her mom
12 was saying to Leah, was right. She started in saying that
13 Nick was a low-life and, you know, he was into the drugs,
14 which at that time he wasn't. He was completely off of them
15 because Leah had got him off of them.

16 Um, and I -- as for the -- more of the escalating
17 of it, I don't know. She just finally got pissed off and
18 left the house crying. She was seen by several witnesses
19 that -- while she was walking down the road, that she was
20 crying and having a hard time at it.

21 Nick went out to, oh, what they call the mill
22 pond. He went out there with Weise (phonetic) and David
23 Jenkins. When they came back and Nick was all --

24 Q. When you say Weise, you mean Aaron West?

25 A. Okay. Aaron West, yeah. And David Jenkins. I

B. McGuffin

1 get some of the names are messed up.

2 They went out there. I guess Nick had told David
3 Jenkins what had been going on. And so when they came back
4 from the log pond, Nick went up to -- to the house to try to
5 get Leah, and of course with that he found out that she'd
6 already left 20 or 30 minutes prior to that.

7 Uh, David Jenkins, now, this is from David
8 Jenkins, he got --

9 Q. Sir, I -- you cannot testify to what another
10 person told you here in grand jury. The hearsay rule
11 applies.

12 A. If he told me?

13 Q. Yes. You cannot testify about what Mr. Jenkins
14 told you.

15 A. But he just allowed me to say what the daughter
16 and the mother said to me.

17 Q. Well, the reason I did that, sir, because
18 they're -- the testimony they gave seems to be entirely
19 different to what you just told us.

20 A. Oh.

21 Q. So --

22 A. Okay.

23 Q. Okay. And Mr. Jenkins has already testified
24 here, and he has already told the grand jury what happened
25 that night.

B. McGuffin

1 A. Oh, okay. So what he tells me, then, is
2 different. Is that what you're saying?

3 Q. No. At this point, the other thing is, it's not
4 responsive to the question I asked you. The question I asked
5 you was how well did your daughter [sic] and Nick get along.
6 And you --

7 A. I think I explained that quite well.

8 Q. All right. Let's move on to, now, cars that
9 Nick -- what was the car that Nick had at that time?

10 A. The '67 Mustang California Special.

11 Q. All right. And it had a problem with the gas
12 tank; is that correct?

13 A. Yes.

14 Q. And as part of the -- he had had an accident or
15 something, and poked a hole in the gas tank?

16 A. Right.

17 Q. And you folks were -- he also did something to
18 the rear quarter panel; is that right?

19 A. Well, that was a month before any of this, yeah.

20 Q. Okay.

21 A. That corner panel has nothing to do with this
22 case.

23 Q. So the quarter panel had been fixed, but it had
24 only primer paint on it at the time Leah --

25 A. Correct.

B. McGuffin

1 Q. The gas tank had not been fixed?

2 A. No. I -- the gas tank needed to be pulled.

3 Q. All right. And to pull the gas tank, how would
4 you do that, sir?

5 A. There's several -- I think almost a dozen or 18
6 bolts on the inside.

7 Q. Of the trunk?

8 A. Of the trunk. So you got to undo these bolts,
9 and then the gas tank drops out.

10 Q. All right. Now, so you had told -- because
11 there's been this story about the trunk being cleaned out,
12 and then stuff being burned, and stuff along that line.

13 A. Yeah, I heard about this stuff being burned. Who
14 said that?

15 Q. Um, I'm -- you know, you're not here to ask me
16 questions, okay.

17 A. I get to know who is telling things about me, I
18 thought.

19 Q. No, not in this proceeding, you do not.

20 A. Oh, well, then I guess I can't answer the
21 question.

22 Q. Okay. What my question, though, was, is did you
23 have Nick clean out the trunk in order to fix the gas tank?

24 A. No.

25 Q. When the police looked at the trunk shortly

B. McGuffin

1 after -- and this would have been --

2 A. After the car was brought back, Officer Hall came
3 up to me and asked me if there was anything in the trunk. I
4 told him there was a rubber mat in there, and asked him if he
5 wanted it.

6 Q. Okay. When the police looked at the trunk in
7 early July, there was nothing in the trunk.

8 A. Right.

9 Q. There was no jack, spare tire --

10 A. Mm-hmm.

11 Q. No nothing.

12 A. No.

13 Q. Was that the normal for this car?

14 A. Yeah, because it hadn't been completed. All
15 there was is just a rubber mat that was thrown back there.

16 Q. Now, the family at the time, you had a Mustang;
17 is that correct?

18 A. No, I had a Thunderbird.

19 Q. Thunderbird. The Mustang belonged to Nick?

20 A. Correct.

21 Q. The maroon Thunderbird belonged to you?

22 A. Right.

23 Q. And then your wife had a vehicle she drove?

24 A. Right.

25 Q. Was that some sort of pickup truck?

B. McGuffin

1 A. I think it was a Ford that we had back then, Ford
2 pickup. I'm not quite positive of that. I'd have to see my
3 paperwork, and you've got all that.

4 Q. Let me go through the evening as best as you can
5 recall, sir, from June 28th of 2000.

6 A. Okay.

7 Q. Were you at home all day or were you working? Or
8 how did that work --

9 A. No, what it was is I was driving log truck and we
10 were off that week because of the long -- it was the 4th of
11 July weekend, plus the other was it was high heat, so --

12 Q. Okay.

13 A. -- the warning was put out for fire danger, so --
14 how fire danger was.

15 Q. Right.

16 A. So we were shut down in the afternoons.

17 Q. And were you there at home that afternoon?

18 A. Yeah.

19 Q. Were you there when Nick and Leah came over to
20 get some movies (indiscernible)?

21 A. I don't know if that's what they came over to
22 get. I -- I know that's when I had overheard the argument
23 about the girlfriend and the girlfriend's mother.

24 Q. Okay. And so Leah was actually out at your house
25 that afternoon; is that right?

B. McGuffin

1 A. Mm-hmm. Yeah.

2 Q. I'm going to work with a couple of pictures here
3 real quick, if I can find them. Excuse me.

4 That's the trunk of the car, while I was thinking
5 about it?

6 A. Yeah.

7 Q. Okay. I'll go in here.

8 A. The whole car had been completely redone except
9 for that.

10 Q. Does that appear to be what Leah was wearing that
11 day?

12 A. Yeah.

13 Q. And that's act --

14 A. I'm pretty sure it was. That's what she always
15 wore.

16 Q. And those are actually pictures taken inside of
17 your home --

18 A. Yes, they are.

19 Q. Right. And in the background of this one
20 picture, which I've marked as 2, we can see the Mustang in
21 the back there?

22 A. Correct. Yeah --

23 Q. And that's the maroon Thunderbird?

24 A. -- mm, I don't know if that's the maroon
25 Thunderbird or if that's the -- the pickup. But it's what

B. McGuffin

1 the Thunderbird looked like.

2 Q. Okay. I'm just asking.

3 A. No, it don't mean any difference, you know.

4 GRAND JUROR: So the pickup was red?

5 THE WITNESS: It was a copper, bright copper
6 color.

7 BY MR. FRASIER:

8 Q. Was your wife home at the time that they came?

9 A. Yeah, we were all three there.

10 Q. All right.

11 A. Or all four of us.

12 Q. Then Nick and Leah leave, and do you see Nick and
13 Leah again that evening?

14 A. No. She disappeared that evening.

15 Q. Okay. And did you see Nick, say before midnight?

16 A. No. He -- well, I think he was home around
17 11:30. I don't know. I know he put in a call around 10:00.
18 10:20, and told us what was going on. He also had talked to
19 his mother. But, you know, we all knew Leah, and sometimes
20 she would get excitable about things that piss her off, and
21 she would just go for a walk. So that's kind of pretty much
22 what we thought had happened, is she just --

23 Q. What time did Nick come home, to the best of your
24 recollection?

25 A. I really -- because I was sleeping, so I really

B. McGuffin

1 can't -- couldn't say. I was told 11:30, but that's hearsay,
2 so --

3 Q. Okay. We've heard that Nick had been grounded
4 from the Thunderbird.

5 A. Right.

6 Q. And he did not have access to a Thunderbird that
7 night --

8 A. No, he did not.

9 Q. Um --

10 A. He was grounded from the Thunderbird because him
11 and Leah went out and they were supposed to go weed-eating in
12 the backyard, and he burnt up my weed-eater by sitting and
13 putting it in the water and playing in the water with it.

14 Q. Okay.

15 A. So I got pissed off and told him that they don't
16 get the car. Plus then he was late getting her home because
17 she's supposed to be home at midnight, and I guess didn't get
18 her home till one o'clock, so Cory and I talked and I took
19 the car from him.

20 Q. Did -- so we're clear, Nick never switched cars
21 that night?

22 A. No. Impossible.

23 Q. All right.

24 Now, do you know if Nick ever changed his clothes
25 that evening?

B. McGuffin

1 A. He never came home that evening, so there'd be no
2 way.

3 Q. The Mustang, Nick was stopped by Officer Zavala
4 because the headlight was out.

5 A. Right.

6 Q. How long had that headlight been out, do you
7 know?

8 A. Think it actually went out when he wrecked the
9 car, which was couple of weeks prior to that.

10 Q. Was that the gas tank or the quarter panel?

11 A. The gas tank.

12 Q. The gas tank.

13 A. Yeah.

14 GRAND JUROR: So what kind of accident?

15 THE WITNESS: I fixed the -- he said his car
16 didn't have any power, so I fixed the throttle on it so that
17 it would open up. And he went up Fairview and -- a little
18 too fast. And being a Mustang, the way they're built, the
19 rears don't have no weight. So what it did is swung out on
20 him. He went backwards into a ditch, and hit a fencepost
21 that was marking a culvert. And what it did is it ripped
22 that tank underneath, but he was able to get maybe three,
23 four gallons of gas in there, and then he could drive around,
24 and that's what he ended up doing that night. So he did call
25 and want the T-bird, but I told him there was just -- it

B. McGuffin

1 wasn't going to happen. And so that's --

2 Q. Did he talk to you when he called?

3 A. Yeah. Yeah.

4 Q. And the headlight would have been from that
5 accident?

6 A. Yeah. Yeah. So it had been two weeks prior to
7 the...

8 Q. Was this the same phone call where he talked to
9 your wife about Leah, if Leah was out at the house, or is
10 this a different phone call?

11 A. Yeah. Yeah. Same one.

12 Q. Okay. The -- do you know what time, roughly,
13 Nick came home that night?

14 A. Like I said, I -- I don't really know. I think
15 it was around 11:30, but it could have been later. In fact
16 he got pulled over three times by your officers that night.

17 Q. Okay. And then --

18 A. In fact, once I think they checked the trunk.

19 Q. Okay. Who told you that?

20 A. Uh, Nick did. And then we went through the
21 police report for that night. I think it was in there that
22 he was stopped three times.

23 Q. Okay.

24 A. Act -- well, he may not have been stopped. He
25 stopped twice for the light, and I think he stopped the cops

B. McGuffin

1 once and asked for their assistance, if they would help him.

2 And they got kind of tizzy with him, and they said, Well, let
3 us see your trunk. So they opened up the trunk, and --

4 Q. Well, I guess my question is who told you that
5 they asked to look in the trunk?

6 A. My son did. And then it's in the police report
7 that we have.

8 Q. Do you know an individual named Kristen
9 Steinhoff?

10 A. Yes.

11 Q. How do you know Kristen?

12 A. Just from hearsay.

13 Q. Okay. Have you ever met her?

14 A. No. I've never met Bill, I've never met Tom,
15 I've never met any of those people.

16 Q. You've never been to Kristen Steinhoff's house?

17 A. Huh-uh. I don't even know where she lives.

18 GRAND JUROR: So Nick came home when you're
19 sleeping, eleven -- what time did you go to sleep that night?

20 THE WITNESS: I -- me?

21 GRAND JUROR: Yeah.

22 THE WITNESS: I think I was in bed by ten
23 o'clock. We got the ten -- the phone call by 10:20, he
24 showed up, we got up. And, you know, I didn't pay attention
25 to the time. So that's why I can't say that it was 11:30 or

B. McGuffin

1 midnight or whatever, because we were more concerned about
2 what was going on, and --

3 GRAND JUROR: He showed up, you said?

4 THE WITNESS: Yeah. Yeah.

5 GRAND JUROR: And you were up then?

6 THE WITNESS: No, I got up. My wife and I both
7 got up, because we wanted to know what was going on.

8 GRAND JUROR: And that was when?

9 THE WITNESS: Like I said, around -- I don't know
10 because I didn't look at the clock, so I would imagine 11:30,
11 midnight, somewhere there. So.

12 GRAND JUROR: So did --

13 GRAND JUROR: I thought you had said that you
14 had -- you were asleep and you didn't know if he came home.

15 THE WITNESS: I was asleep at 10:30. I went to
16 bed.

17 GRAND JUROR: Right.

18 THE WITNESS: Or ten o'clock. We got called at
19 10:20, 10:30 --

20 GRAND JUROR: Right.

21 THE WITNESS: He came home. The wife got up, and
22 I got up. But like I said, I don't know what time it is
23 because I didn't look at the time.

24 GRAND JUROR: Well, that's not what you said
25 earlier. You said you were sleeping and you had no idea what

B. McGuffin

1 time he got home.

2 THE WITNESS: I did -- that's what I mean. I
3 have no idea of what time he got up -- got home, because I
4 didn't check the time.

5 GRAND JUROR: But you talked to him about
6 everything that was going on, you said?

7 THE WITNESS: We asked him what was going on, and
8 he said he couldn't find Leah. He said the police wouldn't
9 help him. Nobody would help him try to find her. He wanted
10 the car, the T-bird, because he only could put a couple
11 gallons of gas into the tank, and the light -- headlight was
12 out.

13 GRAND JUROR: And that's why --

14 THE WITNESS: But I told him it wasn't going to
15 happen, so no. T-bird stayed there.

16 GRAND JUROR: Did he have access to the Ranger,
17 to the -- your wife's pickup?

18 THE WITNESS: No. No.

19 GRAND JUROR: Did he ever drive it?

20 THE WITNESS: Never rode -- drove the Ranger that
21 I know of, no.

22 GRAND JUROR: Did he have his own key to the
23 cars?

24 THE WITNESS: Nope. Keys were all up on my
25 head-bed [sic].

B. McGuffin

1 GRAND JUROR: But he had drove your T-bird plenty
2 of times before, where he could have just made a copy, right?

3 THE WITNESS: He could have.

4 GRAND JUROR: Okay. Because we have testimony
5 saying that he was --

6 THE WITNESS: Yeah, I know you have testimony
7 saying, but the testimony is wrong because Monday was the day
8 that he got the T-bird back, and that's when everybody saw
9 him.

10 GRAND JUROR: That's your testimony.

11 THE WITNESS: No. No.

12 GRAND JUROR: Monday. The following Monday?

13 THE WITNESS: The following Monday is when I gave
14 him the T-bird back.

15 Now, what you guys got to consider is everybody
16 in this town was on acid that night, or were cranking, so a
17 lot of these people don't even know what they really saw.
18 And you can't relate to it because you've never done acid.
19 You've never done crank. If you've done it, then maybe you
20 could relate to what was going on in this town that night,
21 because it was pretty sad.

22 GRAND JUROR: What time did you see him the next
23 morning? Or did you?

24 THE WITNESS: Oh, I saw him -- I got up at 6:00
25 and he was there, sitting in the chair, holding the phone.

B. McGuffin

1 GRAND JUROR: At 6:00?

2 THE WITNESS: Yeah. I'm always up at 6:00, if
3 not earlier. I drive log truck, so I'm up at two, three
4 o'clock in the morning.

5 GRAND JUROR: I thought you were off for the
6 weekend.

7 THE WITNESS: Yeah, I was off for the week, but I
8 drive log truck, so I get up at two, three o'clock in the
9 morning.

10 GRAND JUROR: Was he home then?

11 THE WITNESS: Pardon me?

12 GRAND JUROR: Was he home then, when you got up?

13 THE WITNESS: Well, when we got up at that night,
14 he was home.

15 GRAND JUROR: Well, you said you get up at two or
16 three o'clock in the morning.

17 THE WITNESS: When I worked.

18 GRAND JUROR: So what time did you get up that
19 morning?

20 THE WITNESS: I got up at six o'clock that
21 morning. He was sitting in the chair with the phone.

22 GRAND JUROR: Or -- on the phone?

23 THE WITNESS: No, holding the phone.

24 GRAND JUROR: What time was he there till, that
25 day?

B. McGuffin

1 THE WITNESS: I don't know. Denise came out and
2 one of Denise's friends came out, and then they got in the
3 car and took off to try to see if they could locate Leah. So
4 I imagine they took off around eleven, twelve o'clock,
5 something like that. But pretty much after that Leah and --
6 or not Leah, but Denise and I can't think of the other girl's
7 name, were pretty much with him all the time, every day.

8 GRAND JUROR: And Maggie Downs (phonetic)?

9 THE WITNESS: Maggie Downs. That's who it was,
10 yeah.

11 BY MR. FRASIER:

12 Q. You mentioned Leah had gotten Nick off the drugs.

13 A. Yep.

14 Q. What kind of drugs are we talking about?

15 A. Methamphetamines.

16 Q. What about marijuana?

17 A. Yeah, he smoked pot, but then so do I.

18 Q. Right. How long had it been since Nick had quit
19 using meth, do you know? Prior to Leah disappearing?

20 A. Oh, gee. He quit right away, when they met.
21 Yeah, because she wouldn't have anything to do with him. And
22 they quit right away, and that's when they went over to have
23 Christmas at Cory's house.

24 Q. All right. And it's your testimony that Cory
25 Courtright was on meth?

B. McGuffin

1 A. Yeah. She was at that time. So was Denise.

2 GRAND JUROR: Did you ever see them do it?

3 THE WITNESS: No, because I don't like to get
4 into it.

5 GRAND JUROR: What made you think they were doing
6 it?

7 THE WITNESS: Just by the way they act. You can
8 tell a meth user from a mile away.

9 GRAND JUROR: What do you mean, you didn't like
10 to get into it?

11 THE WITNESS: I saw no reason to do it. All it
12 does is makes you stupid. It makes you do things that --

13 GRAND JUROR: Oh --

14 THE WITNESS: -- you shouldn't be doing. And it
15 does make you do crazy things. Makes you do things that you
16 would really not do.

17 I know because both of my sons got into it.
18 Wayne got into it. In fact there's a lot of kids around this
19 area that got into it. It's one reason why we kind of set up
20 a safe house at our house, and we had a lot of kids that came
21 there and stayed with us, not only just because they were
22 having problems, but they were having problems at home.

23 We had one kid that got beat up every time he saw
24 his dad. And so we had a place where kids could come and
25 they could talk to us and they -- you know, to feel free.

B. McGuffin

1 GRAND JUROR: Do you smoke pot with your son?

2 THE WITNESS: Yeah. We're adults. I have my
3 card. I'm disabled.

4 MR. FRASIER: Is there any other questions for
5 Mr. McGuffin?

6 GRAND JUROR: Did you have an -- did you talk to
7 Cory's father one evening? Go in the house and have an
8 argument with him about who was responsible for Leah's death?

9 THE WITNESS: Yeah. That was the day that I went
10 down to the police station and Officer Hall came out and told
11 me that "Your son murdered Leah." And then he went to Cory
12 and told Cory that Nick McGuffin murdered your daughter.

13 So I went over to the house to see what Cory had
14 heard, and that's when the argument started. And it wasn't
15 really an argument, it's just he can't hear, so you got to
16 talk really loud. And so when I was talking, he kept
17 misinterpreting what I was saying, so I'd have to talk a
18 little bit louder so that he could understand what I was
19 saying. And finally it just got out of control and I just
20 left. It wasn't worth it, you know. They wanted to believe
21 what the police were saying --

22 GRAND JUROR: So you're saying Officer Hall said
23 to you --

24 THE WITNESS: Yeah.

25 GRAND JUROR: -- that your son murdered her?

B. McGuffin

1 THE WITNESS: Murdered Leah Freeman.

2 GRAND JUROR: A police officer actually made that
3 accusation to you?

4 THE WITNESS: Yeah. And then he made that
5 accusation to Cory.

6 Do you want to know a few more accusations? He
7 won't allow it.

8 GRAND JUROR: The -- we have records of your son
9 making statements that he was at Leah's house at like 2:00 or
10 2:30 in the morning.

11 THE WITNESS: Probably was.

12 GRAND JUROR: But I thought he was at your house
13 at 11:30?

14 THE WITNESS: I told you, I didn't look at the
15 clock when I got up, so I would not have any idea. You know,
16 I got up. I told you I don't know.

17 GRAND JUROR: You went back to sleep --

18 THE WITNESS: Because --

19 GRAND JUROR: -- after that, before you got up at
20 your regular 3:00 a.m.?

21 THE WITNESS: Mm, no, because I think we set out
22 there and talked about what was going on, and --

23 GRAND JUROR: So you just stayed up?

24 THE WITNESS: Yeah, just stayed up. We knew we
25 were going to have to start doing something, and that's when

B. McGuffin

1 we started doing the fliers and putting them all around.

2 GRAND JUROR: So you now can't tell whether that
3 time period from when you got up and stayed up was 11:30 or
4 midnight or 3:00 or 4:00 in the morning?

5 THE WITNESS: Not really. I don't ever pay
6 attention to time.

7 GRAND JUROR: So you say you stayed up --

8 THE WITNESS: Right.

9 GRAND JUROR: -- so you would know if he left,
10 but you said he may have very well went over there?

11 THE WITNESS: What?

12 GRAND JUROR: At 2:00 or 2:30?

13 Your testimony is that you stayed up from the
14 time you woke up.

15 THE WITNESS: Yeah. Nick was already home.

16 GRAND JUROR: Right.

17 THE WITNESS: So if anything had happened, then
18 that meant that he did it before he came home, so then that
19 means I was up at 2:30, 3:00.

20 GRAND JUROR: With him --

21 GRAND JUROR: (Indiscernible.)

22 GRAND JUROR: -- talking to him?

23 THE WITNESS: With him, yes.

24 GRAND JUROR: But what I asked you was -- I
25 stated that we have testimony from Nick saying that he was at

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1 her house at 2:30 in the morning. And you said, well, that
2 may very well be --

3 THE WITNESS: That may very well be. That's what
4 I told you.

5 GRAND JUROR: You would not have known if your
6 son left?

7 THE WITNESS: He didn't leave the house because I
8 told you that I was already talking to him.

9 GRAND JUROR: So how could it very well be that
10 he could have been over there?

11 THE WITNESS: Didn't I just tell you that I
12 didn't know what time it was?

13 GRAND JUROR: It -- it --

14 THE WITNESS: Did that not make any relevance to
15 you, at all?

16 GRAND JUROR: No, it doesn't.

17 THE WITNESS: It don't, huh?

18 GRAND JUROR: You said you were up from 11:30 on.
19 So you --

20 THE WITNESS: No, no, no, no. I didn't.

21 GRAND JUROR: I believe that --

22 THE WITNESS: I didn't say I was up from 11:30
23 beyond.

24 GRAND JUROR: That -- he asked you if you went
25 back to sleep --

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1 THE WITNESS: I said --

2 GRAND JUROR: -- and then woke up at your normal
3 two or three o'clock in the morning. You said, No, I just
4 stayed up.

5 THE WITNESS: You asked me if Nick had come home
6 and if I -- was around 11:30 at night. And I told you I
7 didn't know that.

8 GRAND JUROR: Yeah, I know that.

9 THE WITNESS: I told you that three times now.

10 GRAND JUROR: I know that.

11 THE WITNESS: But three times now you want to
12 come back at me and say that I was up at 11:30. So, now,
13 when do you want to get your story right?

14 GRAND JUROR: The way I -- (indiscernible). At
15 10:30 you said there was a phone call.

16 THE WITNESS: Right.

17 GRAND JUROR: So you were awake at 10:30 at
18 night?

19 THE WITNESS: Yes. 10:20.

20 GRAND JUROR: Okay. So at some time after
21 that --

22 THE WITNESS: I got up again. Yeah, because Nick
23 was home.

24 GRAND JUROR: And then you said you norm -- you
25 woke up at six o'clock in the morning.

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1 THE WITNESS: Yeah, normally that's when I'm up,
2 is at 6:00.

3 GRAND JUROR: So where in there did you sleep? I
4 mean, because now we've got you --

5 THE WITNESS: I don't.

6 GRAND JUROR: So you were up all night?

7 THE WITNESS: Off and on all night long, yeah.
8 So I don't recognize what time it was, because when he came
9 home is when I got up. I didn't see what time it was
10 because, like I told you, I don't ever pay attention to time.

11 GRAND JUROR: But you're saying that you got up
12 and stayed up because you usually get up at 2:30.

13 THE WITNESS: Right.

14 GRAND JUROR: And then earlier you said you woke
15 up at six o'clock --

16 THE WITNESS: At six o'clock in the morning,
17 right.

18 GRAND JUROR: Well, which is it?

19 THE WITNESS: Well, I must have went back to bed.

20 GRAND JUROR: Did you stay up or did you --
21 well -- (laughs).

22 THE WITNESS: He was there --

23 GRAND JUROR: So you don't know.

24 THE WITNESS: -- so I talked to him, and then we
25 must have went back to bed. You know, this is 20 years ago.

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1 If I have my paperwork --

2 GRAND JUROR: It's not 20 years ago.

3 THE WITNESS: Or ten years ago. If I had my
4 paperwork that they took from us, then he could read right in
5 there exactly what happened.

6 GRAND JUROR: This is a pretty serious night, and
7 your son's being looked at for murder. I would -- I'd think
8 I would remember --

9 THE WITNESS: Well, yeah.

10 GRAND JUROR: -- if I stayed up or went to bed.

11 THE WITNESS: You wouldn't. No, you wouldn't.
12 And you haven't lived our life.

13 GRAND JUROR: Okay. So then how can you remember
14 all of these other facts so factually?

15 THE WITNESS: Because they're all written down.

16 GRAND JUROR: But you can't even remember if you
17 went to bed or not, or what time was it?

18 THE WITNESS: Like I said, I remember everything
19 from this paperwork, because it was ten years ago. If he
20 wants to give me my paperwork, I'll give you the exact
21 precise time.

22 GRAND JUROR: So you're saying you can -- you --
23 so you're saying you want to prepare a statement off of the
24 stuff you've written down off of hearsay that Nick's told
25 you?

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1 THE WITNESS: No, this is documentation of what
2 people have come to us and told us.

3 GRAND JUROR: Right. People have told you.

4 THE WITNESS: Yeah.

5 GRAND JUROR: So it's --

6 THE WITNESS: So I can see where you're going.

7 GRAND JUROR: It's third -- secondhand --

8 THE WITNESS: You just want -- you just want to
9 hang my son for something that he didn't do, huh?

10 GRAND JUROR: No, I just want the truth from you,
11 is what I want.

12 THE WITNESS: No, you're not. No, you're not.

13 GRAND JUROR: Well --

14 GRAND JUROR: I have a question.

15 THE WITNESS: Please.

16 GRAND JUROR: Officer Hall, when he accused your
17 son of murdering Leah --

18 THE WITNESS: Right.

19 GRAND JUROR: -- was anything done about that? I
20 mean, false --

21 THE WITNESS: Our attorney has told us that we
22 can't really file anything yet. And that's really where this
23 is all coming down to, is if he can't get my son to be the
24 murderer, there's going to be the biggest lawsuit in this
25 area that it's ever seen, because we have been harassed for

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1 ten years. You see how it is going to a store and have
2 somebody yell at you that your son's a murderer. Or have
3 someone come up to you and say, I'm going to kill you.

4 GRAND JUROR: (Indiscernible.)

5 THE WITNESS: You try to live that way. And then
6 have the cops come and chase you around, go to your jobs,
7 interfere with your jobs. Ten years of this shit. I mean,
8 do you think we don't have an attitude?

9 GRAND JUROR: Well, there's --

10 THE WITNESS: When the whole thing is --

11 GRAND JUROR: Excuse me, there is other people --

12 THE WITNESS: No. When the whole thing is, is
13 when this body was found --

14 GRAND JUROR: Right.

15 THE WITNESS: -- their officers should have never
16 touched it. They should have let the FBI go in there, and
17 this could have been solved.

18 GRAND JUROR: Well, we -- just so you know.
19 We're adjourning -- we're here to try and solve this.

20 THE WITNESS: I understand that.

21 GRAND JUROR: You're not the only person that's
22 been in here, or approached at work or at their house. There
23 are many people.

24 THE WITNESS: Right.

25 GRAND JUROR: And some of them perhaps more than

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1 you have. So --

2 THE WITNESS: I doubt that, because most of those
3 people are being approached now. They haven't been
4 approached over the whole ten years of this situation.

5 GRAND JUROR: Okay.

6 GRAND JUROR: And there's other people that are
7 being pointed, saying that they did it too. So your son's
8 not --

9 THE WITNESS: That isn't what we hear.

10 GRAND JUROR: Right. But the thing we're trying
11 to do is get a -- not a story, but an actual time line of
12 when people were where they say they were. And we have a lot
13 of conflicting testimony.

14 And when you said, I didn't live through that
15 time and know what these drugs do, I had children, and I know
16 exactly what that time was like. Exactly, okay. So don't
17 think I don't understand what kids can do and what drugs can
18 do. Don't think for one minute --

19 THE WITNESS: I didn't say that I didn't live
20 through that.

21 GRAND JUROR: No, you --

22 THE WITNESS: I said that I didn't want no part
23 of Cory and what she was doing.

24 GRAND JUROR: No. You said that we don't un --
25 we may not understand what it was like.

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1 THE WITNESS: Well, you may not.

2 GRAND JUROR: But I do. But I do.

3 THE WITNESS: Okay.

4 GRAND JUROR: So I want to make that clear.

5 THE WITNESS: That's fine.

6 GRAND JUROR: So you're not talking to a bunch of
7 naive people. At least one of us here at this table, I can
8 understand totally.

9 THE WITNESS: Okay. You know where I'm coming
10 from.

11 GRAND JUROR: Right. But I have a question then,
12 because you say that he didn't do meth after Christmas --

13 THE WITNESS: Right.

14 GRAND JUROR: -- when he became close with Leah
15 and her --

16 THE WITNESS: Right.

17 MR. FRASIER: And then somehow her mother quit
18 using also, and Denise.

19 THE WITNESS: Yes.

20 GRAND JUROR: And who brought this about?

21 THE WITNESS: No, Denise never did quit.

22 GRAND JUROR: Okay. Is this hearsay, or do you
23 know this?

24 THE WITNESS: No, I know this.

25 GRAND JUROR: You saw her use?

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1 THE WITNESS: I know Cory uses. Positively, I
2 know Cory uses. Or did at that time.

3 GRAND JUROR: But how? Can you give us some
4 proof? Can you give us something to back that up?

5 THE WITNESS: Being seen by people. By her
6 husband.

7 GRAND JUROR: Okay. All right. But --

8 THE WITNESS: Do you know what you don't
9 understand is that we've been here for so many years. Down
10 at Denny's Pizza, that was the main crank house around here.

11 GRAND JUROR: Okay. This is hearsay, and I'm
12 going to stop you because I'm not going there.

13 THE WITNESS: It's not hearsay.

14 GRAND JUROR: My point is going to be that we
15 have testimony from people who say your son was using at the
16 time of Leah's disappearance. And not using, but using
17 heavily.

18 THE WITNESS: No. Not possible.

19 GRAND JUROR: And you say you would understand --
20 you would notice it. You would see what they --

21 THE WITNESS: Yeah, I'd notice it.

22 GRAND JUROR: But all the other testimony we
23 have --

24 THE WITNESS: See, the thing is, is --

25 GRAND JUROR: -- is wrong then. All the other

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1 testimony we have that saw him that night, on something other
2 than marijuana --

3 THE WITNESS: Has to be wrong.

4 GRAND JUROR: -- that are eyewitnesses, are
5 wrong. And your son was clean?

6 THE WITNESS: That would be wrong. Because Nick
7 was invited back to the house after that. Nick was kicked
8 out of the house in November because of the crank.

9 GRAND JUROR: And you don't think that he'd used
10 again since then?

11 THE WITNESS: No, he has not.

12 GRAND JUROR: Okay. That's all. That's...

13 GRAND JUROR: You just said yourself, you would
14 know if he was.

15 GRAND JUROR: Right.

16 THE WITNESS: So why wouldn't I, when I had two
17 sons that went through it? I had a good friend that was
18 going through it. And maybe I didn't see Cory take it, but
19 when Cory starts running circles around the house and can't
20 control her actions, yeah, that's a sign of being on crank.

21 GRAND JUROR: Did your other son, Wayne, get off
22 it?

23 THE WITNESS: Yeah.

24 GRAND JUROR: When did he get off it?

25 THE WITNESS: When we sent him to Hawaii.

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1 It's a bad thing in this area. Everybody
2 involved in this case is into it, because of the people that
3 are in this case. But then we get conflicting stories out
4 there that, you know, Bill and Tom are just, you know, great
5 people, and never had nothing to do with it. But then we
6 have a witness that came in here -- was it last Friday,
7 Tosha? And told you about the bloody clothing that Bill had.
8 Well, you didn't hear what happened to her yesterday.

9 BY MR. FRASIER:

10 Q. That's a different witness. The Tosha that came
11 in yesterday is a different witness than --

12 A. No, I'm talking about the Tosha that came in here
13 and talked about the bloody clothing that she saw from Bill.

14 Q. Oh, so somebody has discussed with you secret
15 grand jury testimony?

16 A. Oh, all of them have.

17 Q. I see.

18 A. Yeah. It's not a secret, what you people are
19 doing in here. Not at all. Everything is out there.

20 It's -- it's sad that it's not being kept secret,
21 but you have people that are coming to us, going to other
22 people, going to authority figures, and letting them all know
23 because you're not really stating to anybody that they have
24 to keep their mouth shut.

25 Q. Okay.

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1 A. And another thing is, is with the Tosha, is one
2 of your officers went out there yesterday and threatened her
3 that if she didn't change her story that he's going to take
4 her kids and put her jail.

5 Q. And who told you that?

6 A. Uh, that's from Tosha, and it was Officer
7 Chris --

8 Q. Webley?

9 A. Webley.

10 Q. Okay.

11 A. And that's not the only one. Every person that
12 has come in here against Bill and Tom has had the same thing
13 done to them. The cops are harassing them and telling them
14 to change their stories. So if this is how we're -- this is
15 justice?

16 GRAND JUROR: Kristen --

17 THE WITNESS: I'm really, really --

18 GRAND JUROR: Kristen told us that she smoked
19 meth with Nick that same night.

20 GRAND JUROR: That night.

21 THE WITNESS: Who?

22 GRAND JUROR: Kristen.

23 GRAND JUROR: And her testimony has never
24 changed.

25 THE WITNESS: Kristen?

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1 MR. FRASIER: Kristen Steinhoff.

2 GRAND JUROR: Kristen Steinhoff.

3 GRAND JUROR: She smoked with him that night.

4 THE WITNESS: No. Kristen --

5 GRAND JUROR: Said he tried getting into her
6 pants.

7 GRAND JUROR: Smoked it that night.

8 GRAND JUROR: That night.

9 THE WITNESS: Well, Kristen's got an obsession
10 with Nick, is what the problem is with Kristen. Kristen has
11 had --

12 GRAND JUROR: That's just because you said he
13 quit after Christmas.

14 THE WITNESS: He did.

15 GRAND JUROR: But he -- she's not the only one.

16 GRAND JUROR: This is June, you know.

17 THE WITNESS: Yeah.

18 GRAND JUROR: So he didn't quit.

19 THE WITNESS: Well, he didn't act it at home.
20 You know, that's all I can say.

21 GRAND JUROR: Have you contacted people that met
22 before the grand jury?

23 THE WITNESS: Have I done what?

24 GRAND JUROR: Have you contacted people that have
25 met with us at this grand jury?

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1 THE WITNESS: No. They've contacted me.

2 GRAND JUROR: They've contacted you?

3 THE WITNESS: Yes.

4 GRAND JUROR: They've call you up?

5 THE WITNESS: Yes.

6 GRAND JUROR: Would you be interested in knowing
7 who they are?

8 MR. FRASIER: Yes, I would.

9 GRAND JUROR: I would be.

10 THE WITNESS: Well, Tosha is one of them. Um,
11 see who the other one is, is -- like I said, I'm bad with
12 names. Um, actually Tosha didn't get ahold of me. She got
13 ahold of Kathy's sister because Kathy's sister is the one --

14 GRAND JUROR: So it's hearsay --

15 THE WITNESS: -- that she went to.

16 GRAND JUROR: So it's hearsay.

17 THE WITNESS: No, we talked to her on the phone
18 about it.

19 GRAND JUROR: Tosha?

20 THE WITNESS: Yeah, last night.

21 GRAND JUROR: Since the grand jury?

22 THE WITNESS: She's scared, and she's scared
23 shitless, yeah. She don't know what to do.

24 GRAND JUROR: Tosha --

25 MR. FRASIER: And she was supposed to have

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1 testified last --

2 THE WITNESS: Uh, she was supposed to have
3 testified last Friday, and you -- or the Friday before, and
4 you canceled it, and then she came -- I think she came in
5 here the following Wednesday. Last Wednesday?

6 GRAND JUROR: What's the last name?

7 THE WITNESS: I -- my wife would have that.

8 GRAND JUROR: I don't remember Tosha meeting with
9 us. I don't think we've had a -- and you don't have a last
10 name?

11 THE WITNESS: I can get it from my wife.

12 GRAND JUROR: So there's a person that we
13 don't -- we can't identify --

14 GRAND JUROR: Not on our list.

15 GRAND JUROR: -- that you have hearsay that is
16 giving out grand jury testimony (indiscernible). Just makes
17 no sense.

18 THE WITNESS: She said she was here.

19 GRAND JUROR: Well, it ain't grand jury testimony
20 if she wasn't here.

21 GRAND JUROR: If she wasn't here, it couldn't
22 have been grand jury testimony. It's just -- it's
23 fictitious, the whole thing.

24 THE WITNESS: Well, she was here.

25 GRAND JUROR: We have a list of the people that

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1 came and the days they came.

2 GRAND JUROR: Yeah, we have a list on everybody
3 that came and when, and we don't have a Tosha.

4 GRAND JUROR: There is no Tosha.

5 GRAND JUROR: There is no Tosha.

6 GRAND JUROR: Unless she's called something else.
7 Do you have all the previous lists?

8 GRAND JUROR: I do a --

9 GRAND JUROR: I've got them here.

10 GRAND JUROR: I do. I do. I have them.

11 GRAND JUROR: Nope.

12 GRAND JUROR: And there's no Tosha.

13 GRAND JUROR: There's nobody named Tosha.

14 GRAND JUROR: Nope.

15 GRAND JUROR: Nope.

16 GRAND JUROR: So who --

17 THE WITNESS: She was brought in.

18 GRAND JUROR: Tosha who?

19 GRAND JUROR: Someplace.

20 THE WITNESS: I don't know. You want me to get
21 her name?

22 GRAND JUROR: No. No.

23 GRAND JUROR: Does she have a different name?

24 BY MR. FRASIER:

25 Q. First name?

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1 A. I don't know. I have no idea. You know, this
2 girl came to my sister-in-law and we gave the paperwork to --
3 that's the paperwork that I gave to you.

4 Q. You're referring to Tosha Ekblad. She has not
5 testified before the grand jury.

6 A. Okay. Now I understand. Now I understand.
7 That's why they're changing her testimony. Okay. Well,
8 you'll get to meet her, but she may not be what she wanted to
9 say. But she said she wouldn't come in here and lie to you,
10 so she's not going to change her story.

11 We also have another new witness too.

12 Q. You gave that to the officers?

13 A. Right.

14 Q. All right.

15 A. (Indiscernible.)

16 GRAND JUROR: Well, I guess we'll find out about
17 that then, if she's going to come in and testify.

18 THE WITNESS: Well, she's scared really bad
19 because of what happened yesterday. And as --

20 GRAND JUROR: What happened yesterday?

21 GRAND JUROR: -- yesterday?

22 THE WITNESS: Yesterday Wesley [sic] -- Officer
23 Wesley went to her and told her that if she didn't change her
24 story he was going to have her two kids taken away from her
25 and have her put in jail.

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1 GRAND JUROR: Well, she can testify that when she
2 meets the grand jury, then.

3 THE WITNESS: I hope she does. I really hope --

4 GRAND JUROR: Maybe we should talk to Officer
5 Wesley.

6 MR. FRASIER: Webley.

7 GRAND JUROR: Webley.

8 MR. FRASIER: You want to talk to them both,
9 we'll get them both here.

10 GRAND JUROR: Sure.

11 THE WITNESS: Yeah. He'll lie to you. They've
12 all been lying to us, so it won't be anything different.

13 MR. FRASIER: Okay. Anything else?

14 All right.

15 GRAND JUROR: I have one. Excuse me.

16 MR. FRASIER: Okay.

17 GRAND JUROR: Aaron West.

18 THE WITNESS: Yeah.

19 GRAND JUROR: Tell me about Aaron West.

20 THE WITNESS: Aaron West went out to --

21 GRAND JUROR: Yeah, the pond.

22 THE WITNESS: -- the pond.

23 GRAND JUROR: But what did he -- just tell me
24 about what he -- what Aaron West's relationship with your son
25 and his -- you know a lot about the community.

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1 THE WITNESS: Yeah.

2 GRAND JUROR: And you have no shortage of
3 opinions.

4 THE WITNESS: No, I don't. I know all these kids
5 because they came --

6 GRAND JUROR: So if you know --

7 THE WITNESS: -- out to our houses for, you know,
8 years.

9 GRAND JUROR: Tell me about -- so tell me about
10 Aaron West.

11 THE WITNESS: Aaron West is very flighty. Very
12 insecure. And then after all of this went down, he won't
13 even come around the family anymore, like he has something to
14 do with it. And it's --

15 GRAND JUROR: Was he a good friend of Nick's?

16 THE WITNESS: No, actually he was a friend of
17 Wayne's until he stole his stereo out of his car. He's a
18 thief. He's a cranker.

19 But no, Aaron West is -- we come to find out he's
20 not one to trust.

21 GRAND JUROR: Okay.

22 GRAND JUROR: When Nick came home that night,
23 whatever time that -- whatever, that and then you say you and
24 your wife got up --

25 THE WITNESS: Right.

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1 GRAND JUROR: -- with him, talked to him, and got
2 fliers made up, did you guys go out and (indiscernible) --

3 THE WITNESS: Um, I didn't go out that day. My
4 wife and I didn't go out that day because we wanted to stay
5 home by the phone. What happened is when she had mentioned
6 it was Denise and whoever the other girl was, they went
7 around and they were together for several days at a time
8 there, trying to put up fliers, trying to figure out what's
9 going on. On July 4th we came acrossed [sic] a -- a girl
10 that fit this identity and everything. She was seen down in
11 Port Orford. My son and I went down there, and headed down
12 to Crescent City, and we actually found the girl, and she did
13 look similar to Leah, but it wasn't her.

14 So we spent that whole night. We got back here
15 at probably 3:30 that morning, four o'clock. And -- excuse
16 me. And then at seven o'clock we had to go in and visit the
17 police, and that's when they did his polygraph. I'm sure --

18 MR. FRASIER: You can't talk about the polygraph.

19 THE WITNESS: Can't talk -- okay. Good thing.
20 I'm glad they can't be brought in here.

21 And please, ask more. I mean, there's so much
22 more information.

23 GRAND JUROR: You mentioned that Cory had a
24 boyfriend that had molested, was that --

25 THE WITNESS: Tried. Tried to molest --

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1 GRAND JUROR: And where did you get that
2 information?

3 THE WITNESS: That was from Leah. She called us
4 out at the house and wanted us to get ahold of Nick because
5 her mom's boyfriend wouldn't leave her alone and kept chasing
6 her. Chased her into the bathroom, and then chased her into
7 her bedroom. And she locked her bedroom and called us, and
8 wanted to know where Nick was. And --

9 GRAND JUROR: You didn't -- did you call the
10 police?

11 THE WITNESS: Uh, you know, that was Cory's
12 situation.

13 GRAND JUROR: Well, it was Leah's situation.

14 THE WITNESS: Leah didn't want anything to do
15 with it because Cory didn't want her boyfriend turned in. So
16 we told Cory that we would take Leah. She could stay at our
17 house. And, you know, we'll take care of her. And which she
18 did. She pretty much stayed there. It was probably two
19 weeks later that -- after talking with Cory, that that's when
20 we finally got her to pull her head out. You know, your kid
21 is more important than this crank boyfriend of yours. And,
22 you know, you need to get away from all of this and start
23 seeing life again.

24 And so we pretty much -- that's when we started
25 helping her get off the crank.

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1 GRAND JUROR: Did that boyfriend leave?

2 THE WITNESS: I don't know what ever happened to
3 him. I really don't. When this investigation broke, I know
4 that his name did come up, but I don't know where he went to.

5 GRAND JUROR: He wasn't living at the time --
6 with her at the time of Leah's disappearance? Or was he?

7 THE WITNESS: No, he wasn't, because she had
8 already moved out on him. She had moved in with her mom and
9 dad. And then that's when -- which was like a two-week
10 interval there before she moved out with her boyfriend and
11 went -- and moved in with her mom and dad. Well, Leah went
12 and stayed with us for those two weeks. And then when Leah's
13 mom moved back into with her grandmother and grandfather,
14 then that's when we started the deal of that Leah had to be
15 home at midnight, and Nick could pick her up at eight o'clock
16 in the morning.

17 GRAND JUROR: You implied that she stayed with
18 you till midnight.

19 THE WITNESS: Right.

20 GRAND JUROR: This was at the time of Leah's
21 disappearance, because of the boyfriend? Although the
22 boyfriend, as far as you know, wasn't there?

23 THE WITNESS: Well -- well, try this one again.

24 GRAND JUROR: At the time Leah disappeared --

25 THE WITNESS: Right.

B. McGuffin

1 GRAND JUROR: -- she was staying with you until
2 midnight?

3 THE WITNESS: Right.

4 GRAND JUROR: Because, you said, she didn't want
5 to be around the boyfriend, correct?

6 THE WITNESS: No, I didn't say that. She came
7 and stayed with us because she didn't want to be around the
8 boy -- around Cory's boyfriend.

9 GRAND JUROR: Right. Right.

10 THE WITNESS: So she stayed with us for two
11 weeks. Then Cory moved out, and moved in with her mom and
12 dad, and then that's when Leah went and started staying with
13 her.

14 GRAND JUROR: So at that time she wasn't staying
15 at your house until midnight?

16 THE WITNESS: She was always staying at our house
17 till midnight.

18 GRAND JUROR: Whether the boyfriend was there or
19 not, then?

20 THE WITNESS: He was always there.

21 GRAND JUROR: At the parents' house, now?

22 THE WITNESS: No, at our house.

23 GRAND JUROR: No, not --

24 GRAND JUROR: Did she stay at your house all --
25 night after night, all the time?

B. McGuffin

1 THE WITNESS: What are we --

2 GRAND JUROR: Cory's boyfriend. Cory's
3 boyfriend, at the time Leah disappeared, where was he living?

4 THE WITNESS: Oh, I don't know.

5 GRAND JUROR: Then why was Leah still staying at
6 your place until midnight?

7 THE WITNESS: Because Cory was still living with
8 her boyfriend.

9 GRAND JUROR: I --

10 THE WITNESS: For the first two weeks.

11 GRAND JUROR: No, no, no. This is the time of
12 Leah's disappearance, Cory's -- Cory was living with her
13 parents. Correct me if I'm wrong here.

14 THE WITNESS: Well, she was living with her mom,
15 but she stayed at our house till midnight and didn't go --
16 and then came back at 8:00 in the morning.

17 GRAND JUROR: And you're talking about Leah?

18 GRAND JUROR: You're talking about Leah?

19 THE WITNESS: Yeah.

20 GRAND JUROR: But why? If the boyfriend was --
21 if the point of Le -- of Cory moving in with her parents --

22 THE WITNESS: Yeah.

23 GRAND JUROR: -- was the boyfriend is -- her --
24 Cory's boyfriend is no longer around --

25 THE WITNESS: Right.

B. McGuffin

1 GRAND JUROR: -- then Leah -- then you -- Leah
2 was just coming out to your house till midnight because she
3 could? That's my point.

4 THE WITNESS: Yeah. No. Because they were going
5 together.

6 GRAND JUROR: Is that (indiscernible)? Yeah.

7 THE WITNESS: They were going together.

8 GRAND JUROR: Right, I understand that. But
9 it -- you understand what I'm saying. You -- this process
10 started because of a boyfriend --

11 THE WITNESS: Right.

12 GRAND JUROR: -- a boyfriend that now no longer
13 is in the picture.

14 THE WITNESS: Right. And Cory continued it on.

15 GRAND JUROR: Okay.

16 THE WITNESS: Yeah, I mean this is -- a lot of
17 this that went on wasn't of our dealings, it was because Cory
18 said that this could be -- could be done this way.

19 GRAND JUROR: Did Leah --

20 THE WITNESS: We --

21 GRAND JUROR: -- ever stay overnight?

22 THE WITNESS: Yes, she stayed over two nights.
23 One was graduation night. Cory was there, and upset my wife
24 and I very much. But Cory said that's what she wanted.

25 The other night that she spent the night was, oh,

B. McGuffin

1 probably two days before she was abducted. And what it was
2 is I happened to get up in the morning at two, three o'clock,
3 and they were in bed and she was supposed to be home at
4 midnight. So I got them up, told them, get in her car and
5 get her home. And when they -- he got back, that's when I
6 took the T-bird from him.

7 GRAND JUROR: Well, that's why you took the
8 T-bird?

9 THE WITNESS: That was one of the reasons why I
10 took the T-bird. The other one was because he ruined my
11 weed-eater.

12 GRAND JUROR: (Indiscernible.)

13 THE WITNESS: Isn't that what I said earlier, was
14 because of the weed-eater, and the --

15 GRAND JUROR: Yeah. Yeah. But I mean, this --
16 but this, I mean, is a little more -- this would stand out in
17 my mind more as a reason to ground the child than the
18 weed-eater, but that's just me.

19 THE WITNESS: No, they just did the both -- same
20 thing at the same time, and that's -- you know, I take so
21 much, and then that's it. Then dad gets mad. So that's when
22 the car got taken away, because he had broke the rules. Both
23 of them broke the rules. I mean, the rules was she is home
24 at midnight, and you can pick her back up at 8:00 in the
25 morning. And that's how Cory wanted it, so we went on what

B. McGuffin

1 Cory wanted. We kind of let her just have her -- her way.

2 GRAND JUROR: But you're saying Cory was clean at
3 this time?

4 THE WITNESS: Yes, she was. Yes. Cory was a
5 good friend. The only thing that turned it was Hall. You
6 know, that's what turned her -- turned her against us.

7 GRAND JUROR: What's that?

8 THE WITNESS: What Hall had told her. Officer
9 Hall.

10 GRAND JUROR: But that was Hall. Why would that
11 turn Cory -- you're saying --

12 THE WITNESS: Officer Hall --

13 GRAND JUROR: Right.

14 THE WITNESS: -- told Cory that my son murdered
15 her daughter.

16 GRAND JUROR: Right.

17 THE WITNESS: So why wouldn't that turn her
18 against us?

19 GRAND JUROR: Oh, turned her against you.

20 THE WITNESS: Against us, yes. Otherwise, we
21 were really good friends with Cory.

22 GRAND JUROR: Did she say that she believed that
23 your son did it, to you? To your face?

24 THE WITNESS: Not really.

25 GRAND JUROR: Well, maybe she doesn't think Nick

B. McGuffin

1 did it.

2 THE WITNESS: Uh, too much on the Internet.
3 That's her belief.

4 GRAND JUROR: You can't believe everything that's
5 on the Internet.

6 THE WITNESS: Well, when you sit there and you're
7 the one punching in, that yeah, Nick murdered my daughter,
8 then yeah, I would say that that was from Cory unless
9 somebody else is using her name.

10 GRAND JUROR: Oh, she did that to you?

11 THE WITNESS: Yes. On the Internet. Not
12 personally, on the Internet.

13 GRAND JUROR: Did Cory say why she thought it was
14 okay that Leah could spend the night at your place with Nick?
15 Was there any discussion of that?

16 THE WITNESS: There was no problems. I mean, we
17 were good friends. I mean really --

18 GRAND JUROR: But -- but that only happened a
19 couple of times. You said twice, she spent the night?

20 THE WITNESS: Well, yeah, but that was Cory's --
21 yeah, the first one was Cory's idea. I mean -- the second
22 one --

23 GRAND JUROR: Okay. And what did she explain to
24 you about that idea? Did she say anything, or just let him
25 stay?

B. McGuffin

1 THE WITNESS: No. She said that it's graduation.
2 She's on her period, and that I want those two to be able to
3 sleep together tonight.

4 GRAND JUROR: And that was graduation night?

5 THE WITNESS: Graduation night.

6 GRAND JUROR: What did you say about that, in
7 your home? I mean, you son having a girl that was
8 underage --

9 THE WITNESS: Mm, no. That's what I said, and
10 that's what the wife said, and Cory stood up and said, Hey,
11 this is my night, this is my daughter's night, and I want it
12 this way.

13 GRAND JUROR: Yeah, but she turned around and
14 took him to jail for statutory rape.

15 THE WITNESS: Well, I think we -- oh, that was
16 with his other girlfriend.

17 GRAND JUROR: Just because a girl has her period
18 don't mean that they can't have sex.

19 THE WITNESS: Mother's consent.

20 MR. FRASIER: That doesn't --

21 THE WITNESS: I know. I didn't -- we raised hell
22 about it.

23 GRAND JUROR: But you're the father there.

24 THE WITNESS: We raised -- well, you know, it was
25 that we were, you know, being real good friends with Cory,

B. McGuffin

1 and we gave Cory some leniency. It's not something that we
2 wanted --

3 GRAND JUROR: I would never let my child do that.

4 THE WITNESS: -- to do.

5 Well, you're the mother of the child, and you're
6 the one telling me that it could be done.

7 GRAND JUROR: I'd be the father of the son who
8 could go to prison for rape.

9 GRAND JUROR: Yep.

10 GRAND JUROR: That's what I would be.

11 MR. FRASIER: Well, back up. Back up, folks. I
12 got to tell you, in regards to Nick and Leah, if they were
13 having sex, because of their age differences, it would not
14 have been a crime.

15 GRAND JUROR: It wouldn't have been?

16 MR. FRASIER: All right.

17 GRAND JUROR: I got a question about some
18 Internet accusation, you said.

19 THE WITNESS: Yeah.

20 GRAND JUROR: You were on the Internet and you
21 saw -- you brought up a screen that had an accusation that
22 you -- she felt you were responsible for the death of --

23 THE WITNESS: Yeah, this just came out not too
24 long ago, that I was responsible also.

25 GRAND JUROR: Did you print it out?

B. McGuffin

1 THE WITNESS: Oh, yeah. They got 300 pages of
2 it.

3 GRAND JUROR: You actually printed that screen
4 out that said --

5 THE WITNESS: Yeah. We have all of it, and they
6 came out and confiscated it from us. We offered it all to
7 Dannels, up front, and he didn't want it. Two weeks later he
8 came out with a search warrant and took everything we had.

9 We've been collecting information for ten years.
10 It's just -- you know, maybe it is hearsay, but a lot of
11 these people that are coming to us are telling us exactly
12 what they have seen. We wrote it down. They won't go to the
13 police because they get harassed. And that's what's been
14 going on out there, is they do get harassed. And so we would
15 turn it in to the police officers.

16 Well, back at that time, nobody would listen to
17 us because we were trying to save our son. So it has only
18 been this year here that we finally were going through this
19 that they've got all of our paperwork and they're able to go
20 through all of the witnesses that we have and go through it.

21 GRAND JUROR: I would think they should be
22 listening to you, if you're trying to save your son. Just as
23 much as --

24 THE WITNESS: No, they didn't want to.

25 GRAND JUROR: -- anyone else.

B. McGuffin

1 THE WITNESS: They didn't want to. They don't
2 want to now.

3 GRAND JUROR: Well, don't you think it's kind of
4 ironic that we're meeting now? I mean, you say they don't
5 want to hear, but we're here to try and discover what
6 happened. So just --

7 THE WITNESS: We weren't invited to the first
8 one, so we're pretty -- quite impressed that we're invited to
9 this one.

10 GRAND JUROR: We don't -- we didn't know that,
11 see.

12 THE WITNESS: Yeah. No, I'm amazed I was invited
13 to this one, truthfully. Because I'd be willing to sit here
14 and talk to you for hours about what we have. But like I
15 said, I don't have my paperwork, so it's real hard to pull
16 from ten years of memories of, you know, what -- where
17 everything went. I mean, we got hundreds of people. We just
18 came up with another witness today that lives -- and you guys
19 should be able to hear her. She lives there, right by Bill
20 and Tom. She saw everything.

21 And the way I see it, with everything that I've
22 heard and everything that I've seen, we've had two friends be
23 killed because of this. Because they got information that
24 was going to prove that Nick was not the one that did it, and
25 both of them were killed. One of them they wrote off as a

B. McGuffin

1 suicide, except that kid was left-handed and was shot in the
2 head with his right. The other one was tied and bound like a
3 Mafia killing, which you did find the guy that killed him.
4 But -- (sighs). Oh, God. Like I said, I'm terrible with
5 names, but he was bound and tied, and they had a Mexican that
6 I think was part of the Mafia that you guys had captured.

7 GRAND JUROR: Harvey Davis?

8 THE WITNESS: Yes. Yes. Harvey.

9 GRAND JUROR: That was Harvey Davis. Okay.

10 THE WITNESS: Harvey was a very good friend of
11 mine. He was into the crank scene. He knew what was going
12 on. He knew Bill and Tom. And I think he got a little
13 carried away with what he was doing, and that's why he was
14 killed the way he was killed, because --

15 BY MR. FRASIER:

16 Q. But how was his death related to Leah?

17 A. Because he knew information that he was trying to
18 get to us. I don't know if the death is related, but all I
19 know is he told me --

20 Q. You just said that --

21 A. -- he had some information --

22 Q. Okay.

23 A. -- that he wanted to give to me, that he knew my
24 son was innocent. And two days later we found out that he's
25 tied, bound, and shot.

B. McGuffin

1 Q. Okay. But you had no information to suggest --

2 A. No, because I never got him.

3 Q. But -- well, no, what I'm saying is you want the
4 grand jury to believe that he was murdered because of Leah
5 Freeman, but you have no evidence to support that, do you?

6 A. He died.

7 Q. He got -- okay. He died. But what evidence do
8 you have that says he was killed because he knew --

9 A. Pretty much because he told me that if I die
10 because of this, then this is what's went on. Same as with
11 the other one that died. He left his letter to his mother,
12 saying, If I die while I'm getting this information, these
13 people did it.

14 Q. Okay.

15 A. That's how I know. I mean, it's just -- it's
16 what he told me.

17 Q. Okay.

18 A. So, yeah, Harvey's dead because of it, and then
19 who's the other one?

20 Q. Harvey's not dead because he stole meth from the
21 Mexicans?

22 A. Well, I think that had a lot to do with it.

23 Q. Okay.

24 A. Yeah. (Laughter.)

25 Yeah. I mean, you usually don't tie and bind

B. McGuffin

1 somebody and, you know, murder them Mafia way --

2 Q. Who told you he was tied and bound?

3 A. Oh, I (indiscernible) say that.

4 Q. Okay. Because I handled that case. He was not
5 tied and bound.

6 A. Oh. Okay.

7 Q. So -- I mean, he was buried. He was wrapped up
8 in plastic and buried.

9 A. I'd heard he was tied and bound and shot.

10 Q. Well, he was not tied and bound. He wasn't shot.

11 A. Whatever. I don't know. It's just like some of
12 the other people that said that they saw her sitting in a
13 room, tied and bound. And now they're denying it. Kaylie
14 [sic] Knight. Have you had her in here yet?

15 Q. Not yet.

16 A. Not yet?

17 Q. Not yet.

18 A. Okay. And then the Knight family?

19 Q. We'll hear from them, again.

20 A. Okay. Well, if he tries to deny anything, you
21 know, that was a recorded conversation that's in our
22 paperwork.

23 Q. Okay. I've seen it.

24 A. Okay.

25 MR. FRASIER: Any other questions for

Z. Wilson

1 Mr. McGuffin?

2 Okay, sir. That will do it.

3 THE WITNESS: Okay. Thank you, gentlemen, and
4 ladies.

5 GRAND JUROR: Thank you.

6 **TESTIMONY OF ZACHARY WILSON**

7 (Witness sworn.)

8 BY MR. FRASIER:

9 Q. First of all, sir, just so you're aware, this is
10 the grand jury for Coos County.

11 A. Mm-hmm.

12 Q. And let me make sure that I have -- didn't know
13 if I hit the button or not. Yes, I did.

14 The second thing I have to tell you is we are
15 recording the proceedings. I've got two different recording
16 devices going for us.

17 A. All right.

18 Q. I guess my first question to you, sir, is if you
19 could tell us your name and where you live.

20 A. My name is Zachary Wilson, and I live at 134 --
21 13459 Highway 241, Coos Bay, Oregon.

22 Q. And have you lived in the Coquille area in the
23 past?

24 A. Yes. I've been here my whole life.

25 Q. All right. You were -- have you been married in

K. McGuffin

1 THE WITNESS: Correct.

2 GRAND JUROR: Do you know what kind of van it
3 was?

4 THE WITNESS: No, I don't. I'm not sure.

5 MR. FRASIER: Okay. Any other questions?

6 Okay. That will do it. You're free to go.

7 THE WITNESS: Thank you.

8 MR. FRASIER: Thank you.

9 **TESTIMONY OF KATHLEEN MCGUFFIN**

10 (Witness sworn.)

11 BY MR. FRASIER:

12 Q. First of all, could you tell us your name,
13 please, ma'am, and where you live.

14 A. Kathleen McGuffin. The whole address?

15 Q. Uh --

16 A. Coquille, Oregon.

17 Q. That's fine.

18 A. Okay.

19 Q. Good. And how long have you lived in the
20 Coquille area, ma'am?

21 A. 28 -- well, we moved here in '85.

22 Q. Well, first of all I guess I need to introduce.
23 This is the grand jury for Coos County.

24 A. Mm-hmm.

25 Q. And they're looking into the death of Leah

K. McGuffin

1 Freeman.

2 A. Mm-hmm.

3 Q. It's obvious, but I've got two different
4 recorders going --

5 A. That's fine, yeah.

6 Q. -- to record what you're saying. Okay?

7 A. Mm-hmm.

8 Q. You're the mother of Nick McGuffin; is that
9 correct?

10 A. Yes.

11 Q. And how old is Nick?

12 A. 28.

13 Q. And at the time we're going to be talking about
14 here, he was --

15 A. 18.

16 Q. His birth -- he was 18?

17 A. Yeah.

18 Q. And his girlfriend was Leah Freeman?

19 A. Yes.

20 Q. How long were they together, do you --

21 A. Um, pretty much the beginning of that school
22 year, so it would have been September or October of '99.

23 Q. Okay.

24 A. Yeah.

25 Q. How well did they get along, do you know?

K. McGuffin

1 A. Um, the first couple of months I didn't -- she
2 didn't really come out to the house a lot and we didn't know
3 her well. But right after Christmas she was at our house
4 every day. They had their usual tits and tats that teenagers
5 do, but they got along fine.

6 Q. Nick at the time, what type of cars did he have
7 access to?

8 A. Um, he drove the -- the blue Mustang, and at
9 times he had the Thunderbird.

10 Q. Now, I'm a little confused about the Thunderbird
11 and where it was in terms of the family cars.

12 A. It was my husband's car.

13 Q. It was your husband's car?

14 A. Yeah.

15 Q. And you had a vehicle you drove too?

16 A. Yeah, and I'm trying to remember what I had then.
17 I think it was a little Ranger pickup.

18 Q. Any other cars in the family at the time?

19 A. No.

20 Q. So it was just the Mustang, the Thunderbird, and
21 the pickup. Okay.

22 A. If that's what I had then, if I can remember
23 right.

24 Q. Now, I'd like to talk with you about the evening
25 of June 28th. That would have been the night that Leah

K. McGuffin

1 disappeared.

2 A. Mm-hmm.

3 Q. Nick had left earlier in the day to be with Leah,
4 as far as you knew; is that right?

5 A. Yeah, I was at work that day, so yeah.

6 Q. Did you -- well, did you have any contact with
7 Nick prior to midnight of that evening?

8 A. Yes, I did. He called me about 10:20.

9 And first of all, I don't have any of my
10 paperwork, because I took diligent notes all through this
11 proceeding, and all my notes and everything was confiscated
12 from my home in January of 2010, so I am doing this strictly
13 from memory.

14 He called about 10:20, 10:25, wanting to know if
15 Leah had called because he was looking for her.

16 Q. Did he ever come out to the house that night
17 prior to midnight?

18 A. No.

19 Q. Okay.

20 A. Well, he was out -- they were out there earlier
21 like in the day.

22 Q. In the day?

23 A. Right. Right, right.

24 Q. But in the evening hours --

25 A. In the evening --

K. McGuffin

1 Q. -- after you got home?

2 A. Not at all. And he was driving the blue Mustang.
3 The Thunderbird was parked in our driveway. He was
4 restricted from the Thunderbird on Monday night, the 26th,
5 because the two of them had been doing too much playing. He
6 was supposed to be finding a job, and my husband took the
7 keys from the Thunderbird away. The Thunderbird was parked
8 in our driveway. The keys were in our bedroom. He had no
9 access to it.

10 Q. Okay. So I guess the follow-up question I have
11 to that is we've had several people testify here at the grand
12 jury that they --

13 A. That they saw him in two vehicles. The one thing
14 that I can think of on this was Monday night was the night
15 he -- because up until then he was driving the Thunderbird
16 because the Mustang had been wrecked. It had a gas leak from
17 whatever. My husband was trying to fix it. It kept leaking,
18 so he let him drive the Thunderbird. And that was Monday
19 night when they came home about 7:00 p.m., he hadn't looked
20 for a job, so we took the Thunderbird away and said, You're
21 going back to the Mustang. Deal with it.

22 Q. Okay.

23 A. And from Monday night on, he did not drive the
24 Thunderbird at all.

25 Q. All right. We've also had testimony that Nick

K. McGuffin

1 changed his clothes that night.

2 A. Who would know? Who would know if he changed his
3 clothes?

4 Q. We've got at least one witness that saw him
5 earlier in the evening that saw him later with a different
6 set of clothes on.

7 A. Well, I don't know that for a fact, but --

8 Q. Okay. I'm just curious.

9 A. Yeah.

10 Q. Okay. I had another witness, I think it was
11 Officer Zavala, testify that he saw Nick after he stopped him
12 for the headlight --

13 A. Mm-hmm.

14 Q. -- that he saw --

15 A. On the Mustang.

16 Q. Yeah, on the Mustang.

17 That when he finished stop -- he -- the stop was
18 on the bypass that goes around Coquille.

19 A. Oh, right, right.

20 Q. That Nick then proceeded on Highway 42 South,
21 drove over the bridge and appeared to be headed the direction
22 where you folks live.

23 A. What time was that?

24 Q. At the time of the stop, I supposed. Right
25 afterwards.

K. McGuffin

1 A. What time was that?

2 Q. Uh, I'd have to look it up real quick, but I
3 think that was around -- it was after Leah went missing, so a
4 little bit after 9:00.

5 A. No, he didn't come out to the house at all. And
6 my husband and I were there the entire evening.

7 Q. What time did Nick get home the next day?

8 A. Um, he got home that night, 2:30, 3:00 in the
9 morning.

10 Q. Did he check in with you before he went to bed?

11 A. No, I heard him come in.

12 Q. You heard him come in.

13 A. Mm-hmm.

14 Q. When did you first learn Leah was missing?

15 A. Um, well, from him calling that night, said he
16 was looking for her, and then he came home and I just figured
17 everything was okay. That next morning, Thursday morning,
18 Cory called, his -- her mother, and said she hadn't come
19 home. And he got up and went to town and went over to Cory's
20 house.

21 Q. What time was that?

22 A. Ten to 8:00. I was just headed to work the next
23 morning. That was Thursday morning.

24 Q. Had Leah ever spent the night at your place?

25 A. She spent the night one night, and that was right

K. McGuffin

1 before graduation -- that I know of.

2 Q. Okay.

3 A. And that was not at our okay, at first. But
4 Cory, Leah, and Nick had agreed that she could spend the
5 night on -- because we had a graduation get-together, and so
6 we gave in and said she could stay the night. Cory said it
7 was okay she could spend the night because she was on her
8 period and they wouldn't be having sex, so she was okay with
9 it. So I figured if the mother was okay with it, it was
10 okay.

11 Also, the -- you talk about Officer Zavala
12 pulling Nick over. He actually got pulled over twice that
13 night, Wednesday night.

14 Q. Yes, I've heard that.

15 A. With in addition to getting pulled over twice, he
16 went up two or three different times to different police
17 officers and asked for their help. They told him, She'll
18 show up, don't worry about it.

19 Q. Let me ask you the source of that information,
20 where do you get that?

21 A. My son.

22 Q. So you yourself cannot personally verify that?

23 A. No.

24 Q. The headlight on the Mustang, do you know when it
25 went bad?

K. McGuffin

1 A. I thought it was -- was it a headlight or a brake
2 light?

3 Q. Headlight.

4 A. I have no idea.

5 Q. You mentioned earlier that your paperwork had
6 been confiscated.

7 A. Mm-hmm.

8 Q. When Chief Dannels came to town, did you folks
9 mention to him that you had several hundred pages of
10 documents that --

11 A. Yeah. It was probably about a year ago, I -- he
12 was -- I work at the hospital, and he was doing an
13 in-service. And I went up to him, told him we'd like to talk
14 to him. I thought a new police officer was going to look at
15 this information and maybe look at it unbiasedly, so we
16 wanted to help again. We've always been helpful. So that
17 was probably August.

18 Finally, towards the end of the year he called
19 and came out to our house. We sat and spoke with him. And
20 yeah, we told him we had paperwork. However, it was all
21 paperwork -- any information, every time I got a piece of
22 information, I documented it. In fact, this was mine, that I
23 turned in. Every time I got a piece of information, the
24 first phone call I ever made was to the police department, to
25 give them the information.

K. McGuffin

1 Q. Did the police ask you to share the documents
2 with them?

3 A. I don't remember exactly --

4 Q. Okay.

5 A. -- what was said that day.

6 Q. Because I've gone to the reports, and what I've
7 been told is that you said you would want to talk to a lawyer
8 first before you gave it up.

9 A. I don't remember exactly. My husband remembers
10 that a little bit better than I do. Because then at the time
11 Nick showed up, his girlfriend and my granddaughter were
12 there, so.

13 Q. Now, you gave me through your attorney, or
14 through Nick's attorney, a list of people that you would like
15 to have seen at the grand jury. Is that correct?

16 A. Yes.

17 Q. I just want you to know the major -- the vast
18 majority of those people I have called or will be called.

19 A. Except for you haven't called my sister.

20 Q. Um --

21 A. Julie Wilson.

22 Q. Okay. But the -- I -- we've called the people
23 that she has given us --

24 A. Information about?

25 Q. -- information about.

K. McGuffin

1 A. Okay. That's good. I hope you call all of them.
2 I had like 55 names.

3 Q. I've called the majority of them.

4 A. Okay.

5 Q. That we can find.

6 A. Okay.

7 Q. So --

8 A. She's easy to find. (Laughing.)

9 Q. I understand that, but -- now, you obviously
10 believe your son Nick didn't have anything to do with this.

11 A. I totally believe my son didn't have anything to
12 do with it. He had no time to do it.

13 Q. Okay.

14 A. And I know he wouldn't have done anything. If by
15 chance it was something accidental, he would have called me.
16 I work at the hospital. He would have called me. And if had
17 he done anything, he wouldn't be here today either. He'd
18 have killed himself.

19 Q. Okay. Does Nick have a problem with anger?

20 A. He's got a temper, yes.

21 Q. Have you talked with him about his anger problem?

22 A. Yeah.

23 Q. Has it gotten any better?

24 A. Much -- actually much better. He's got a
25 two-and-half-year-old daughter, and he's great with her.

K. McGuffin

1 Everybody has somewhat of an anger. That does not make you a
2 murderer.

3 Q. Well, no, but not everybody has their mother
4 write a note to them complaining about their anger problem.

5 A. Um, this mother wrote a note to him?

6 Q. Yes, ma'am.

7 A. Okay.

8 I wished I had written a date on here.

9 You got to realize too, that here this -- here
10 this child just graduated from high school. He -- he never
11 had a job. He was just a high school football player,
12 whatever. All he thought about was his girlfriends and his
13 cars. And have this come down on him, and from the very
14 get-go have the police harass you the way he has been
15 harassed, he's had a rough, rough, rough time.

16 I wished I did have a date on this.

17 MR. FRASIER: I don't have any questions, further
18 questions of Mrs. McGuffin. Does the grand jury want to ask
19 her anything?

20 GRAND JUROR: On that -- ma'am.

21 THE WITNESS: Just a second.

22 (Pause.) You don't know when this was?

23 BY MR. FRASIER:

24 Q. Well, I know it was taken in the search warrant
25 at the end of July in 2000.

K. McGuffin

1 A. Okay. This was probably in December, because --
2 I do know when this was written, now.

3 Um, the beginning of his high -- senior year, he
4 had an injury. He was not able to play football, so he
5 wasn't playing football and he did get into meth. Leah and
6 him met, and Leah was the one that got him -- she didn't like
7 him doing meth, so she got him away from it, and this was
8 right before Christmas because that's when him and I got in a
9 big argument and I kicked him out and he went and lived with
10 Cory and Leah through Christmas. And then in January he came
11 home, and he was done doing meth.

12 And that was what that was.

13 Q. Okay.

14 A. And then him and her were at our house every
15 single day thereafter.

16 GRAND JUROR: Well, it's kind of interesting you
17 say -- you say he's done doing meth because we have witnesses
18 that say he was doing meth the day that Leah went missing.
19 That he was high on -- people that use drugs.

20 THE WITNESS: Marijuana.

21 GRAND JUROR: Mm-hmm. I think we've had
22 testimony that says more than marijuana. And that he had
23 been using more than marijuana for some time --

24 THE WITNESS: Hmm.

25 GRAND JUROR: -- near that time frame.

K. McGuffin

1 THE WITNESS: Hmm.

2 GRAND JUROR: And we have multiple witnesses.

3 GRAND JUROR: We have people that say that he --
4 they smoked crank with him that night.

5 GRAND JUROR: That day.

6 THE WITNESS: That night? Hmm.

7 GRAND JUROR: And testimony from people who saw
8 him and describe him as being high on something other than
9 marijuana. The -- the different type of a personality.

10 THE WITNESS: But are -- are they --

11 GRAND JUROR: So --

12 THE WITNESS: Are they official that they can --
13 a reliable person that can justify telling if somebody's on a
14 different drug?

15 GRAND JUROR: Well, let's say this. You just
16 said that he didn't do drugs since December.

17 THE WITNESS: Meth.

18 GRAND JUROR: Meth.

19 THE WITNESS: Yes. That I thought.

20 GRAND JUROR: Okay.

21 THE WITNESS: But does that make you a murderer?

22 GRAND JUROR: No. I'm just saying, thought, that
23 your testimony was just that -- that we have --

24 THE WITNESS: That I know about. I'm not saying
25 for a fact that -- I can't know what he does. Do you know

K. McGuffin

1 what your children do every minute of the day?

2 GRAND JUROR: Ma'am, I'm not here to be
3 questioned.

4 THE WITNESS: No, right. But --

5 GRAND JUROR: So please don't question me.

6 THE WITNESS: Yeah, but you see where I'm -- what
7 I mean. I don't -- I can't say he did or didn't --

8 GRAND JUROR: Right.

9 THE WITNESS: -- because I'm not with him a
10 hundred percent --

11 GRAND JUROR: But you just did say he didn't, to
12 us.

13 THE WITNESS: That I know.

14 GRAND JUROR: Thank you, for clarifying that.

15 THE WITNESS: Yeah. That I know.

16 GRAND JUROR: So you didn't actually see Nick at
17 2:00 or 2:30? You heard --

18 THE WITNESS: No, I heard him come in. Correct.

19 GRAND JUROR: So you don't know for sure if he
20 was there?

21 THE WITNESS: Oh, if he was there?

22 GRAND JUROR: Right. If you didn't see him, you
23 don't know.

24 THE WITNESS: Well, he went in and went -- I
25 heard him and he went in and went to bed. And then woke up

K. McGuffin

1 and it was him in his bed. Nobody else would have came into
2 my house because nobody else had a key.

3 GRAND JUROR: And you said -- you said until
4 eight o'clock. Because we have testimony that people have
5 seen him in between the hours you say he was at home.

6 THE WITNESS: Between 2:00 and 8:00 in the
7 morning?

8 GRAND JUROR: Right.

9 THE WITNESS: Well, I saw him when he got up and
10 answered the phone, coming from his bedroom. Nobody else
11 would have came into my house without a key, because our
12 house was locked up.

13 GRAND JUROR: Did you see him with Aaron West
14 that night?

15 THE WITNESS: Um, did I see him?

16 GRAND JUROR: Mm-hmm.

17 THE WITNESS: No, Aaron West was one of the ones
18 that he was out at Johnson Mill pond, smoking pot.

19 GRAND JUROR: And now, where did you get that
20 information?

21 THE WITNESS: From Nick. And obviously from
22 Aaron West too, because it's in his so-called testimony.

23 I've also heard that David Jenkins was the one
24 out there with him also, and I've heard David Jenkins telling
25 people that he was involved with Bill Sero.

K. McGuffin

1 Has that witness been called?

2 BY MR. FRASIER:

3 Q. Yep, both of them.

4 A. The Clemmons (phonetic) or whatever their name
5 was?

6 Q. No. We've called Mr. Jenkins and Mr. Sero.

7 A. But what about the -- Mr. Jenkins -- Ella
8 Clemmons, her -- he's related to David Jenkins. David told
9 Ella he was involved with Leah's murder, with Bill.

10 Q. (Indiscernible.)

11 A. And then Deanna Crenshaw (phonetic) knows Art
12 Jones, who also said he was involved.

13 Q. Art Jones has been here.

14 A. And Tosha Erblad [sic] was called, and --

15 Q. Tosha Ekblad?

16 A. Or Ekblad, whatever. We did not know who she was
17 until just a month ago, this Tosha. She came forward and
18 went to my sister, who works at the smoke shop. She said she
19 knew everything that went down. She also said yesterday,
20 came in and talked to my sister, on her own, and said she got
21 a call from a Coquille police officer, Mr. Webley. He was
22 threatening her that she would go to prison, lose her
23 children, if she didn't start telling the truth. So are they
24 tampering with witnesses?

25 Q. They interviewed her yesterday because she was

K. McGuffin

1 dodging them. And finally found her yesterday, and she told
2 the police that she had no firsthand knowledge as to what
3 occurred to Leah Freeman --

4 A. Hmm. And then I did just give Officer McNeely
5 another name, Carmen Kahn (phonetic).

6 Q. (Indiscernible.)

7 A. Yeah, as just a new name that I found. She lives
8 in Coos Bay, and he wrote it down. And apparently she's
9 supposed to know everything that happened too.

10 And then there's Sean Buchanan (phonetic), who is
11 a friend of my nephew. Has he been called?

12 Q. Sean Buchanan we can't find.

13 A. Okay. Sean Buchanan was in jail with an Alex
14 Scribner (phonetic) at the time, and --

15 Q. Ma'am, the grand jury -- you have to understand
16 something.

17 A. Okay.

18 Q. The hearsay rule applies in grand jury. So
19 you've gotten this information from I don't know how many
20 different people, and you --

21 A. But they should be called.

22 Q. Well, and we've told you we've tried to find
23 Mr. Buchanan --

24 A. Right.

25 Q. -- and we can't find him. We -- and that's one

K. McGuffin

1 person we can't. But you can't sit here and read --

2 A. But what about Glen Beattie (phonetic)? Was
3 he --

4 Q. Mr. Beattie gave information about who?

5 A. Mr. Beattie was the one that was at the
6 restaurant the night Mr. Sero was arrested.

7 Q. Okay. And Mr. Sero --

8 A. And him --

9 Q. -- has been here to the grand jury.

10 A. Hmm.

11 Q. Okay? So, I mean, Mr. Beattie can't give
12 anything more than what Mr. Sero has told us.

13 A. No, because Mr. -- Mr. Beattie -- or Beattie,
14 whatever his name was, knew the waitress there who knew what
15 Bill had done, and she was scared, which is why she called
16 the police, because she knew he was coming in.

17 Q. Okay.

18 A. And that's the night he was arrested.

19 What about this Alex Scribner that knew Sean
20 Buchanan?

21 Q. We can't find him either, but we've called his
22 girlfriend.

23 A. Okay. What about, um, Kenny Wilsey (phonetic)
24 and his parents? And Ben Stoddard (phonetic) that was
25 murdered?

K. McGuffin

1 Q. Ma'am, that was not a murder.

2 A. Okay.

3 Q. I personally was involved in that. That was a
4 suicide.

5 A. Okay.

6 Q. That's totally unrelated to this.

7 A. Even the note that he left?

8 Q. It's totally unrelated.

9 A. Hmm. Okay, then. What about Scott Simons [sic],
10 the --

11 Q. He's testifying this afternoon.

12 A. Good. He was a nurse's aide at Bay Area
13 Hospital.

14 Q. Ma'am, you don't get to tell them about what
15 they're going to say.

16 A. Okay.

17 Q. All right.

18 A. Okay.

19 GRAND JUROR: I have a question. You said that
20 Cory thought it was okay for Leah to spend the night that one
21 night.

22 THE WITNESS: Mm-hmm.

23 GRAND JUROR: What night was that? When was
24 that?

25 THE WITNESS: It was before graduation. I can't

K. McGuffin

1 remember exactly which night it was. We had a get --
2 gathering, a get-together of family and a bunch of friends,
3 and --

4 GRAND JUROR: When was graduation that year,
5 (indiscernible)?

6 THE WITNESS: I don't remember.

7 MR. FRASIER: Okay.

8 THE WITNESS: June.

9 MR. FRASIER: It's usually the second Sunday in
10 June.

11 THE WITNESS: Yeah.

12 GRAND JUROR: So this could have been just
13 before?

14 THE WITNESS: Week or two before.

15 GRAND JUROR: Somewhere in the beginning of June,
16 then?

17 THE WITNESS: Or the end of May.

18 (Pause.)

19 MR. FRASIER: Are there any other questions from
20 the grand jury?

21 Okay. That will do it, then.

22 THE WITNESS: Great. Can I ask you a question,
23 though? Is there any possibility I can get copies of my
24 paperwork back, that was taken in January?

25 MR. FRASIER: I will tell Chief Dannels to do

B. McGuffin

1 that.

2 THE WITNESS: Thank you.

3 **TESTIMONY OF BRUCE MCGUFFIN**

4 (Witness sworn.)

5 BY MR. FRASIER:

6 Q. First of all, sir, this is the grand jury for
7 Coos County.

8 A. Good morning.

9 Q. They are looking into the death of Leah Freeman.

10 A. Okay.

11 Q. I think it's obvious, but I have to advise you
12 that we are recording the proceedings.

13 A. Oh, not a problem.

14 Q. Okay. First of all, sir, could you tell us your
15 full name and where you live.

16 A. Bruce Richard McGuffin. I live at 56246 Baker
17 Road, Coquille, Oregon.

18 Q. And you've lived in the Coquille area since about
19 1985; does that sound about correct?

20 A. Yeah, I've been living in Oregon since '74.

21 Q. Okay.

22 A. Yeah.

23 Q. And you're the father of Nick McGuffin?

24 A. Yes.

25 Q. And Wayne McGuffin?

R. McNeely

1 that. Nothing -- nothing that I know of right off the top of
2 my head.

3 GRAND JUROR: Thank you.

4 BY MR. FRASIER:

5 Q. And I don't think I told you, we are recording
6 this. You were aware that I was recording this, right?

7 A. Yeah, I saw you push the button. Yes.

8 Q. All right. I don't want to get in trouble.

9 A. (Laughing.) Not from me.

10 MR. FRASIER: Any other questions for Corporal
11 Meade?

12 GRAND JUROR: So they bunked together. There's
13 bunk beds or something in that? Or --

14 THE WITNESS: Yeah, the cells -- this was in
15 section 3-B of the jail, has two large blocks, C and D. This
16 would have been in the C side. And in the cells they're just
17 steel bunks, one on top of the other. So they would have
18 been in the same cell, one on the top bunk, one on the bottom
19 bunk.

20 MR. FRASIER: Anything else?

21 Okay, sir. That will do it.

22 THE WITNESS: Thank you.

23 **TESTIMONY OF RAY McNEELY**

24 (Witness sworn.)

25 BY MR. FRASIER:

R. McNeely

1 Q. First of all, Officer McNeely, you've testified,
2 I think it was last week, before the grand jury?

3 A. Yes.

4 Q. Tonight -- or this afternoon, what I'd like to
5 talk with you about a little bit is earlier this year, at my
6 request, did you -- well, first of all, did you become aware
7 of a police report written in 2000 that had been drawn to
8 your attention by me, where an Officer Ulmer had interviewed
9 Mr. John Lindegren?

10 A. Yes.

11 Q. And at my request, did you go and find
12 Mr. Lindegren and interview him about what he told Officer
13 Ulmer in the year 2000?

14 A. Yes.

15 Q. And to just briefly recap, he told you that on
16 the evening that Leah disappeared he saw Leah and Nick
17 together at a particular location in Coos -- in Coquille?

18 A. Yes, that's correct.

19 Q. Did he -- did you actually have him go and show
20 you exactly where this location was where he saw Leah and
21 Nick together?

22 A. Yes, I did.

23 Q. Could you point out on the map, show us where
24 they were at.

25 A. (Pause, referring.) So -- (laughs) -- kind of

R. McNeely

1 hard to -- basically there's a -- Cheri Mitchell's house,
2 which was Leah's friend. Her house sat back behind another
3 house. And so there was another house was kind of in front
4 that blocked the view of the road. And John pointed that
5 they were right there on that roadway, that he walked by them
6 within from me to you, and actually ackno -- I think he said
7 he said hi or some kind of acknowledgment to them as he
8 walked by.

9 Q. Now, he told you that it was the day that Leah
10 disappeared, and he'd been over at his sister's house?

11 A. That's correct.

12 Q. And that was Jordi Lindegren?

13 A. Yes, correct.

14 Q. And she works at the library here in Coquille?

15 A. Yes, she does.

16 Q. Did you go and talk to her too, about this?

17 A. We did go and talk to her.

18 Q. Did you become aware from both of them that they
19 indicated that this had occurred after they had watched
20 *Survivor*?

21 A. Yes, they were very adamant that they were --
22 very adamant. (Laughter.) Overly adamant, that they were --
23 knew it was that date because she was a huge *Survivor* fan,
24 and she knew it was that day and that time, and there was no
25 way it could have been any other day because she knew

R. McNeely

1 *Survivor*.

2 Q. Now, June 28th, 2000, was a Wednesday; sure it's
3 correct?

4 A. Correct.

5 Q. All right. And when you came back and told me
6 about *Survivor*, did I express to you some misgivings that
7 *Survivor* wasn't on Wednesday night?

8 A. You did.

9 Q. Did I tell you that my wife is an avid *Survivor*
10 watcher and it's always on Thursday night? (Laughter.)

11 A. You did.

12 Q. And I never can see -- watch anything else except
13 *Survivor* on Thursday night?

14 A. You did.

15 Q. So did I ask you to verify whether or not
16 *Survivor* at that particular time was on Wednesday night?

17 A. You did.

18 Q. What did you do?

19 A. We looked up on -- online, and just basically
20 computer searched, found out through the network that it ran
21 on Wednesday nights from eight to nine o'clock on -- so it
22 ran on June 28th, Wednesday night, the night Leah
23 disappeared, from 8:00 to 9:00, exactly like Jordi and John
24 had said.

25 Q. Did you find an actual publication that, okay,

R. McNeely

1 this was what was on CBS on that night, that particular
2 night?

3 A. Yes, we did. And printed it off, gave a copy to
4 you, and we have a copy with us.

5 Q. And did that particular publication talk about
6 the *Survivor* show that night?

7 A. Yes, it did.

8 Q. Did I talk about somebody named Rudy getting
9 voted off? (Laughter.)

10 A. I don't remember, so --

11 Q. Okay. You were able --

12 A. I didn't -- well, I didn't watch it. I didn't go
13 that far. I just verified that it was on that time.

14 Q. So the best of your knowledge, what Jordi and
15 John were telling you, at least in regards to the night
16 *Survivor* was on, the time frame, you were able to verify
17 that?

18 A. Correct.

19 Q. Now, I'm going to ask a couple of other questions
20 here. Earlier today the McGuffins were in and -- well, first
21 of all, when this case was reopened initially, that would
22 have been in -- shortly after Chief Dannels became the chief
23 here?

24 A. Yeah, would have been August of '08.

25 Q. And at that time did Chief Dannels -- and we'll

R. McNeely

1 have him come in next week. But did he organize what is
2 sometimes referred to as a cold case team, where he had four
3 or five retired detectives come in and work on the case, and
4 so forth?

5 A. Yes, he did.

6 Q. Initially, what the officers did was find the
7 reports and catalog what we had, organized it, look at the
8 evidence, and that type of thing?

9 A. Correct. They went over it.

10 Q. And then in January of this year, then it became
11 public that we were investigating this case?

12 A. Yeah, we activated a current team, made up of our
13 major crimes team unit.

14 Q. And it was at that time that people went out and
15 started interviewing people and so forth?

16 A. Correct.

17 Q. According to the McGuffins earlier today -- well,
18 for example I'm going to use a woman by the name of Tosha
19 Ekblad. Are you familiar with Tosha Ekblad?

20 A. Yes, I am.

21 Q. And had I given you a slip of paper that -- well,
22 let me back up. You saw Mr. McGuffin a couple of weeks ago,
23 stopping in the parking lot of the Coquille Police
24 Department?

25 A. Correct.

R. McNeely

1 Q. You saw him hand me a piece of paper?

2 A. Correct.

3 Q. Did you -- did I then subsequently hand the paper
4 to you?

5 A. You did.

6 Q. And did that paper indicate that somebody named
7 Tosha Ekblad needed to be interviewed?

8 A. Yeah, stated -- yes.

9 Q. And did you go and find Tosha?

10 A. Yes, we did.

11 Q. Did you have any trouble finding Tosha?

12 A. Yes, we did.

13 Q. Okay. Tell us about, did you eventually have
14 face-to-face contact with her?

15 A. No, we had over-the-phone contact with her.

16 Q. Have you ever had face-to-face contact with her?

17 A. No, we have not. Just her mom and grandma.

18 Q. My question to you here is the McGuffins claim
19 that -- well, first of all Officer Webley. Are you two
20 teamed together at this point as part of the investigation?

21 A. Yes, we are.

22 Q. And you're the two that are primarily running
23 around getting all the stuff I want done?

24 A. Yes, we are.

25 Q. All right. If I say go interview somebody,

R. McNeely

1 you're the guys?

2 A. Yes, correct.

3 Q. Now, did you guys threaten Tosha Ekblad; you
4 know, if you don't change your story, you're going to go to
5 prison or you're going to lose your kids or what have you?

6 A. No, we did not.

7 Q. What -- tell us about the contact such as you
8 recall.

9 A. We -- the McGuffins gave us the contact
10 information, so we tried to run her down. It was a little
11 hard at first because the phone number didn't work and she
12 uses her grandma's address. So we finally did get ahold of
13 that grandma again, actually just yesterday, and her --
14 Tosha's mom was there also. And they both told us the same
15 story of what their daughter had told them.

16 And so they -- her mom actually called from her
17 mom's cell phone, got ahold of Tosha, handed the phone over
18 to Officer Webley, who then talked to her. And she didn't
19 bring up any of the stuff that she had told her mom and
20 grandma, so at that point Officer Webley handed the phone to
21 me. I told her that, you know, we were looking into Leah
22 Freeman's death, and that we needed to know every information
23 she had. And that she needed to be truthful and honest. She
24 said she was.

25 I said, Well, your grandma and your mom both told

R. McNeely

1 us different stories than what you're telling Officer Webley
2 on the phone. I said, So if it comes to it, and you go to
3 grand jury, and you're going to tell - you need to tell the
4 truth. Because if your mom and grandma say you told them
5 this, and you say you didn't, we may have issues with lying
6 in grand jury, which you can't lie in grand jury because
7 that's a felony and that's a crime.

8 And at that point she went ahead and disclosed to
9 Officer Webley what she had told her mom and grandma.

10 Q. And we're going to issue her a subpoena and bring
11 her in next week to tell the grand jury?

12 A. Yes, we are.

13 Q. All right. Did Officer Webley in your presence
14 ever threaten her with going to jail or prison?

15 A. No. She actually thought Officer Webley was very
16 nice.

17 Q. I guess my question is -- too, is especially
18 Bruce McGuffin is complaining that the police are harassing
19 the witnesses, are threatening the witnesses, telling the
20 witnesses they need to change their stories, or anything
21 along that line.

22 Have you or any officer in your presence ever
23 done that to a witness in this case?

24 A. No, we have not.

25 Q. What else did I say I was going to ask you about?

R. McNeely

1 A. Do you want to talk about Tosha leading us to
2 Jesse, or --

3 Q. No, we'll worry about that next week.

4 A. Okay.

5 MR. FRASIER: I don't think I have any other
6 questions for Officer McNeely. Does the grand jury want to
7 ask him anything?

8 GRAND JUROR: Are we going to see -- or I guess
9 I'm -- with Tosha, we -- assuming we hear, but the testimony
10 that she gave over the phone, when she finally did, she
11 corroborated what mother and grandmother had said then?

12 THE WITNESS: Correct. Yes.

13 GRAND JUROR: Can we ask him what that was?

14 MR. FRASIER: Go ahead, tell them what --

15 THE WITNESS: Okay.

16 GRAND JUROR: Yeah. I mean, do you just leave us
17 hanging here?

18 THE WITNESS: Okay. When she -- when we first
19 contacted her, she just told us that she had heard a bunch of
20 rumors and stories about Bill Sero and Tom Stemmerman, and
21 that it was all hearsay and she didn't have any direct
22 knowledge. The part that her grandma and mom told us is that
23 she had said that a Jesse Sh -- I'm going to slaughter the
24 last name -- Smisnek or Smidge -- Smidgely, something like
25 that. It's S-m-i -- anyways, it's just kind of hard to

R. McNeely

1 pronounce. That he had supposedly told their daughter and
2 granddaughter a bunch of stuff about -- because he'd lived
3 right by Nick McGuffin, and that Nick was building forts out
4 in the woods and acting weird, and all this other stuff.

5 And so when we asked, when Officer Webley wanted
6 to talk to Tosha about that, she didn't want to say anything
7 about that at first. Then after we told her that her mom and
8 grandma have already told us about that, then that's when of
9 course what I just told you. Then she came forward with what
10 she had told her mom and grandma. So.

11 BY MR. FRASIER:

12 Q. Did she ever tell you she had any direct
13 knowledge of what happened to Leah Freeman?

14 A. No, she did not have any direct knowledge.

15 Q. And you're going to serve that subpoena on her
16 sometime in the --

17 A. Hopefully tomorrow, yes.

18 MR. FRASIER: Okay. Any other questions for
19 Officer -- whatever your name -- McNeely. (Laughter.)

20 GRAND JUROR: I think we'll probably see him
21 again.

22 MR. FRASIER: You might.

23 THE WITNESS: Maybe even in a different shirt
24 again, too. (Laughter.)

25 GRAND JUROR: Good shirt.

R. McNeely

1 THE WITNESS: Okay. Thank you.

2 MR. FRASIER: Okay.

3 THE WITNESS: Ross Dress For Less. (Laughter.)

4 MR. FRASIER: Okay. That will do it.

5 THE WITNESS: All right. Thank you.

6 GRAND JUROR: Thank you.

7 **TESTIMONY OF CHRISTOPHER WEBLEY**

8 (Witness sworn.)

9 BY MR. FRASIER:

10 Q. Okay. Officer Webley, we didn't get it on tape
11 but you've just been sworn in. Is that correct?

12 A. Yes, I have.

13 Q. And it was on the audio.

14 First of all, can you -- well, first of all, tell
15 us your name, please, and your occupation.

16 A. My name is Chris Webley, W-e-b-l-e-y. I'm a
17 police officer for the City of Coquille, be working on four
18 years now.

19 Q. I want to direct your -- well, you've been -- let
20 me back up here.

21 You and Officer McNeely have been tasked by Chief
22 Dannels to be the primary two from your department to be
23 working on the case of the disappearance and death of Leah
24 Freeman?

25 A. That's correct.

D. Meade

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1 good luck to you guys.

2 GRAND JUROR: Thank you.

3 THE WITNESS: Thank you for putting the time into
4 it.

5 **TESTIMONY OF DARIUS MEADE**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. First of all, could you tell us your name,
9 please, sir, and what your occupation is.

10 A. My name is Darius Meade, and I'm an
11 administrative corporal for the sheriff's office in the jail.

12 Q. And how long have you worked at the Coos County
13 jail?

14 A. I've worked for the sheriff's office since 1998,
15 patrol for almost three years, and corrections for the other
16 nine.

17 Q. As part of your responsibilities there at the
18 Coos County jail, does the jail keep records of when a
19 particular individual is brought into the jail, what dates
20 he's brought in, and how long he's there, and that type of
21 thing?

22 A. Yeah, we -- we keep very strict records on that.

23 Q. And do you also keep records of what cells or
24 what part of the jail they're held in?

25 A. Yeah, at the time of book-in we assign them a

D. Meade

1 cell, and it's recorded in the computer management system.

2 Q. This morning we heard testimony from an
3 individual named Richard Bryant. He indicated that sometime
4 in the past, and he wasn't really clear when, he had been
5 held at the Coos County jail, and that -- or at least a
6 portion of that time he shared a cell with a Nicholas
7 McGuffin.

8 At my request, did the Coquille police department
9 contact the jail to get records regarding that?

10 A. Did they contact the jail?

11 Q. Yeah.

12 A. I honestly don't know. I wasn't part of that.

13 Q. Let me show you those. Do those appear to be
14 official jail records there?

15 A. Yes. I -- I believe they did contact the jail
16 commander. I believe I did hear about that.

17 Q. All right. And are those there, those two
18 documents there, are those the type of records your -- you
19 would keep from your computer system, regarding who's in jail
20 and where they're kept and so forth?

21 A. That's correct. These are off the old Dalen
22 (phonetic) system. We've upgraded our system, but this is
23 what -- what we used at that time, yes.

24 Q. Regarding Mr. Bryant, is there a notation there
25 that in September of 2002 until November of 2002 that he

D. Meade

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1 had -- he was held at the Coos County jail?

2 A. There is.

3 Q. And does it indicate what cell he was held in?

4 A. Yes, it does. He was held in C-108.

5 Q. And regarding Mr. McGuffin, the next sheet, is
6 that regarding Mr. McGuffin?

7 A. It is.

8 Q. And does it show that he was in the jail
9 September 16th of 2002 to September 24th of 2002?

10 A. It does.

11 Q. And does it show what cell he was kept in?

12 A. Yeah. It also shows that he was in cell C-108.

13 Q. And so during the same time period, at least for
14 a short period of time, a week or so, Mr. McGuffin and
15 Mr. Bryant were held in the same cell?

16 A. That is correct.

17 MR. FRASIER: That's all the questions I have for
18 the deputy. Does the grand jury want to ask him anything?

19 GRAND JUROR: Does there anything special happen
20 during that week with either of them? Did anybody -- either
21 of them complain about their cellmate or make any kind of
22 noises --

23 THE WITNESS: I honestly don't know. This -- we
24 have limited access to this old Dalen system. It would have
25 to be looked at if there was any comments in the system on

R. McNeely

1 that. Nothing -- nothing that I know of right off the top of
2 my head.

3 GRAND JUROR: Thank you.

4 BY MR. FRASIER:

5 Q. And I don't think I told you, we are recording
6 this. You were aware that I was recording this, right?

7 A. Yeah, I saw you push the button. Yes.

8 Q. All right. I don't want to get in trouble.

9 A. (Laughing.) Not from me.

10 MR. FRASIER: Any other questions for Corporal
11 Meade?

12 GRAND JUROR: So they bunked together. There's
13 bunk beds or something in that? Or --

14 THE WITNESS: Yeah, the cells -- this was in
15 section 3-B of the jail, has two large blocks, C and D. This
16 would have been in the C side. And in the cells they're just
17 steel bunks, one on top of the other. So they would have
18 been in the same cell, one on the top bunk, one on the bottom
19 bunk.

20 MR. FRASIER: Anything else?

21 Okay, sir. That will do it.

22 THE WITNESS: Thank you.

23 **TESTIMONY OF RAY McNEELY**

24 (Witness sworn.)

25 BY MR. FRASIER:

B. Middleton

1 And I do recall once I was at -- I was with my
2 girlfriend's sister at Fred Meyer, and we saw Bill Sero there
3 at Fred Meyer, and he's got like clothing with the hanger
4 still on it over his shoulder, and he just waltzes out of the
5 store, you know, without paying for it. And -- you know. My
6 girlfriend's sister thought that was real cute.

7 So yeah, I think, you know, he's just kind of
8 a --

9 GRAND JUROR: Arrogant.

10 THE WITNESS: -- asshole. And, you know, maybe
11 antisocial. Probably antisocial.

12 MR. FRASIER: Any other questions?

13 Okay, sir. You're free to go. I'll have the
14 officers ask you about how to get ahold of John, out there in
15 the lobby.

16 THE WITNESS: Okay. And now we're done-done?

17 MR. FRASIER: And we're done-done.

18 THE WITNESS: Okay. Because I got to go back to
19 California-California.

20 MR. FRASIER: Yeah, yeah. You can.

21 **TESTIMONY OF BILL MIDDLETON**

22 (Witness sworn.)

23 BY MR. FRASIER:

24 Q. First of all, could you -- this is the grand jury
25 for Coos County.

B. Middleton

1 A. Yeah.

2 Q. And we're looking into the disappearance of Leah
3 Freeman.

4 A. Mm-hmm.

5 Q. And death of Leah Freeman.

6 I have to advise you, even though I -- you
7 watched me do it, I have to tell you I've got two recording
8 devices going, all right? So we're recording the proceedings
9 here today.

10 A. Yeah.

11 Q. All right. First of all, could you tell us your
12 name, please, sir, and where you live.

13 A. Uh, full name?

14 Q. Yeah.

15 A. Billy G. Middleton. I live at 1931 Hayes Street
16 in North Bend.

17 Q. Have you lived in the Coquille area, sir?

18 A. Oh, yes.

19 Q. And were you at one point in time married to a
20 sister of Cory Courtright?

21 A. Legally we're still married.

22 Q. Oh, legally you're still married?

23 A. Yeah.

24 Q. You both live over there now, in --

25 A. No. She lives in Bandon.

B. Middleton

1 Q. Oh, okay. Okay. I need a scorecard to keep
2 here.

3 A. (Laughing.)

4 Q. Mr. Middleton, I want to talk with you a little
5 bit -- well, first of all, did you know Leah Freeman?

6 A. Oh, yes. Very well.

7 Q. How long did you know Leah?

8 A. From birth.

9 Q. What type of girl was Leah like?

10 A. What type of girl? Very active young lady.
11 Fun-loving. We had an exceptional relationship. Even though
12 she was on my wife's side of the family, we were very close.
13 She stayed at our house at times, and...

14 Q. All right. And as she was growing up, eventually
15 she goes to high school as a freshman at Coquille High
16 School, and at some point in time she started going out with
17 a guy named Nick McGuffin.

18 A. Yes.

19 Q. Did you know Nick McGuffin prior to that?

20 A. Prior to that? No.

21 Q. And you were aware that they were a couple,
22 boyfriend/girlfriend type of thing?

23 A. Uh, her mother, Cory, told me that.

24 Q. Did you have an opportunity to see how the two
25 interrelated?

B. Middleton

1 A. Uh, yes, I did, some. He was a controlling type
2 of person with her. Like I could see that he was the one
3 kind of running the relationship.

4 Q. Okay. Did you see any changes in Leah once she
5 started going out with this guy?

6 A. Yes.

7 Q. What kind of changes did you see?

8 A. Uh, well, I could tell the way he held her and
9 put her on his lap that there was probably sexual
10 relationship-type changes that way.

11 Q. Okay. Did her demeanor, her behavior or anything
12 change, outside of what you've described here?

13 A. Yeah. Her relationship with -- with me, I think
14 stayed the same but I just saw her less.

15 Q. Okay. Leah disappeared on June 28th of 2000.
16 And if I remember reading the police reports correctly, a
17 couple of days later or a week later there was an incident at
18 your house involving -- at least on your front lawn or
19 something along that line, involving Nick and Denise Freeman,
20 someone else. And there was a shouting match and the police
21 got involved.

22 Do you recall that at all, sir?

23 A. Hmm. No, I do not recall that.

24 Q. After Leah's body had been found, there was a
25 memorial service at the high school.

B. Middleton

1 A. Yes.

2 Q. Were there words spoken between you and Nick at
3 the high school?

4 A. Uh, yes, there was.

5 Q. Could you tell the grand jury what happened, what
6 schools -- what happened at the memorial?

7 A. Well, I have to tell you, I -- from the moment
8 she was missing, I felt that he was definitely connected to
9 why she was missing. And, you know, when her body was found,
10 I became angry at times and he was angry back at me. And at
11 the -- when we had the funeral at the high school, the -- me
12 and my stepson walked out, and then him, his dad and mom,
13 let's say, stuck to together closely, came out and I -- and
14 my stepson says, "Oh, here they come, Bill." And I turned
15 around and saw him, and I just stared at him. And I couldn't
16 help it. At that point I did not say anything.

17 And then the mom stopped, and she goes, Why do
18 you always think Nick murdered her? And all that kind of
19 stuff. Screaming at me. And I said, Why doesn't your
20 husband say something? Why are -- why are you the one doing
21 the speaking up? I'd rather talk to him about this.

22 And at that time both of them start walking
23 towards us. And my stepson says, Well, I'll grab the -- the
24 younger one, and you take care of the older one. And I said,
25 Okay.

B. Middleton

1 And at that time my brother-in-law came over and
2 got between us, so we didn't even touch. And at that time he
3 was calling me names, filthy names, and I said, How can you
4 guys come here? You know your son murdered her. You know
5 that. You cleaned up his trunk, of his car, in that -- in
6 that 1968 Mustang, and completely made it look like a
7 brand-new trunk. I said, What was that all about? You know.

8 And then -- then all of a sudden everybody got
9 involved and -- and the detective was there, I can't remember
10 his name. Told -- told everybody to be quiet and -- and --

11 Q. Sir --

12 A. And Denise -- Denise got on me a little bit about
13 that time. She was walking out with Nick. Not at that
14 point. She came running up. And -- and that -- you know,
15 that's just about it, what happened. It was --

16 Q. Okay.

17 A. -- talk.

18 Q. In some of the materials that we've been going
19 through here, and correct me -- the grand jury can correct me
20 if I'm wrong. I think it was yesterday we were listening to
21 a taped statement of a witness, and the witness had said
22 something about Nick saying that he thought Bill Middleton
23 was involved in Leah's death.

24 A. Yeah, that's what the detective and the -- I
25 think it was the captain. Anyway, they came over to my house

B. Middleton

1 and they -- and they said, Well, we have to ask you this.
2 And I said -- and they wanted to know where I was. And I
3 said, Well, me and my wife were coming back from this --
4 well, that's when we saw Nick. Well, that might be later in
5 the questions here, but I -- I have it if you don't have it.

6 Q. Okay. Right.

7 A. No, I said, we -- we were together. Me and my
8 wife. We --

9 Q. Okay. If I recall correctly, you and your wife
10 were together the evening of June 28th of --

11 A. Pardon?

12 Q. The evening of June 28th, the day she
13 disappeared, you and your wife were together?

14 A. Yeah. Yeah. We both worked and then --

15 Q. And you went down to Safeway and bought some ice
16 cream --

17 A. Yeah. Right.

18 Q. -- or something along --

19 A. Can't remember what we got, but yeah.

20 Q. And the police asked you about that, and they
21 went down and double-checked, and found your receipt or
22 something.

23 A. Yeah.

24 Q. Okay.

25 A. That's right. Because I used my card.

B. Middleton

1 Q. Right.

2 A. And the reason that they wanted to do that -- I
3 don't know if that's your next question or something.

4 Q. Okay.

5 A. But for -- if you want me to speak, or --

6 Q. Well --

7 A. -- or want me to wait.

8 Q. Or I was going to get to that.

9 On the eve --

10 A. Oh.

11 Q. On the day -- I guess we'll go there.

12 On the day of June 28th, did you see Nick at all?

13 A. Yes.

14 Q. And did you see Leah with him?

15 A. Yes.

16 Q. Where was that at, and (indiscernible)?

17 A. Uh, there was a third party in the car also.

18 That was Brent --

19 Q. Bartley?

20 A. Yeah. Brent Bartley, yeah.

21 Q. Okay.

22 A. Brent Bartley and Nick were in the front, and

23 Leah was in the back, and we both got a very good look at

24 her. Me and my wife both did. Her hair was just -- Jesus --

25 all frizzed up, up sticking straight up in the air. They had

B. Middleton

1 the windows down, though, you know, and that -- that could be
2 part of it.

3 And that was -- I never could come to a good time
4 when I saw them, but they said they were going to check at
5 the store because I used my Safeway card. And -- but I'm
6 guessing it was between 6:00 and 7:00, so.

7 Q. Okay. Did you actually talk to Leah or Nick?

8 A. No.

9 Q. No. Just saw them there at the store?

10 A. No, we didn't see them at the store. We just --
11 so they were -- we were coming from the store and they
12 were -- at that time you could make that -- let's see. We
13 were coming this way and -- now, how did that work? We were
14 coming back, yeah. And -- but they were going up this way,
15 yeah. Probably --

16 Q. Okay. I'm totally confused.

17 A. All right. What do you call that? Used to be
18 a --

19 Q. Well, let's -- we got a little map here.

20 A. Used to be a body shop there. Lansbury
21 (phonetic) Ford, but maybe that was before your time here
22 too. I don't know.

23 Q. Probably was.

24 This is Central Street going this way, and
25 Safeway would probably be down here on First. And --

B. Middleton

1 A. Mm-hmm.

2 Q. Down here, this would be Central. McKay's is
3 around in here. So maybe you could --

4 A. Well, we -- what's the street where the old City
5 Hall used to be on? What's that corner --

6 Q. That's Collier.

7 A. The main -- the main street.

8 Q. No. No. It's Second Street over there.

9 A. Okay. But I'm talking about the Main Street --
10 Birch. City Hall.

11 Q. On Second and Birch. Second and Birch.

12 A. Okay. We came -- we were coming up Second and
13 then made the left that go -- there was a bank there --

14 Q. Right.

15 A. -- on the left, and then there was a video store
16 on the right.

17 Q. Right.

18 A. And then that's -- we made the turn, and that's
19 when we saw them, you know. We were going this way and they
20 were going that way.

21 Q. Okay.

22 A. Okay.

23 Q. So they were headed -- looking like they were
24 headed towards Safeway, and you're look -- you're headed
25 towards home?

B. Middleton

24

1 A. Right.

2 Q. Okay.

3 A. Got it.

4 Q. The picture I have in front of you, does that
5 look like Leah that day?

6 A. No.

7 Q. Okay. What was different?

8 A. Hair.

9 Q. Hair?

10 A. Yeah.

11 Q. All fuzzed up?

12 A. Yeah, just -- I went, Wow.

13 Q. Okay.

14 A. I've never seen her look like that. And I don't
15 know if she was happy, sad, or what, but it looked like --
16 well, be a guess.

17 Q. Have you had any -- have you had much contact or
18 any contact over the last ten years with Nick McGuffin or
19 Bruce or Kathy McGuffin?

20 A. Uh, I talked to -- I need to back up a minute
21 here, because it involved Bruce McGuffin coming back. Af --
22 the day -- the day after the night, the next day when Leah
23 was missing, in the morning, I went up to the Courtright's'
24 house and -- and Nick was there. Cory was there. Denise was
25 there. I don't who all was there. Their -- Cory's mom and

B. Middleton

1 dad were there. And they were all talking, and I just kept
2 watching him. And -- and then things kind of calmed down,
3 and he was putting on a show -- what I call a show. And I
4 asked him, I said, Could I talk to you in the laundry room by
5 yourself? And he says, Sure. And so we went in there --

6 Q. That's Nick?

7 A. Yeah.

8 Q. Okay. Go ahead.

9 A. And we went in there and he goes, What's up? And
10 I said, Well, tell me, did you guys have an argument or
11 anything last night? And he goes, No, no, not at all. And I
12 said, Oh, come on. You know, the way you've been treating
13 her, and -- and you guys didn't have an argument?

14 And he goes, Oh, I guess we did have an argument,
15 yeah. Then he admitted it to me, but he denied it the first
16 time and then admitted it when I put a little bit of
17 pressure.

18 Q. Did he say what the argument was about?

19 A. No. He didn't. I didn't ask him.

20 Q. Did --

21 A. And then at that point I went straight -- then he
22 went, he left. They were going to go and interview on the
23 City Hall steps down there. And I got to thinking about it,
24 so I went straight down there. And I told the -- I don't
25 know who all was down there. Whoever that big, tall chief of

B. Middleton

1 police was at the time.

2 Q. Okay.

3 A. And --

4 Q. Mike Reaves?

5 A. Yeah.

6 And a captain, I believe was down there. I told
7 them about our discussion there. I said he lied to me first
8 time, and then he finally admitted it, that they did have an
9 argument. And -- you know, and that -- that was it.

10 And I -- and then I also told him that I saw --
11 saw Cory -- or Leah and Bartley and him together in the car.

12 GRAND JUROR: I have a question. How did you
13 come to be -- what brought you over to the Cartwright [sic]
14 your -- that morning? Did -- was it because of Leah missing,
15 you got called?

16 THE WITNESS: Yeah. And we only live like -- we
17 only lived like two and a half blocks from them. We were up
18 there a lot.

19 GRAND JUROR: Did Nick appear to be himself, or
20 would you say he was acting peculiarly that morning?

21 THE WITNESS: Well, to me -- to me, he was hiding
22 it pretty good at that time. But I could see that he just
23 wasn't right, you know. He was holding back something.
24 And -- you know. Of course we didn't know what was up then,
25 and I didn't know if she was just somewhere, who knows where.

B. Middleton

27

1 And didn't know. But I knew he knew something, by his
2 actions.

3 GRAND JUROR: Did you -- I have a couple of other
4 questions, or do you want to go -- do some more?

5 MR. FRASIER: Go ahead.

6 GRAND JUROR: Were you aware he -- or would you
7 say he was using drugs at that time? Or were you aware of
8 the fact that he might have been using drugs?

9 THE WITNESS: Oh. (Sighs.) How can I -- I don't
10 want to just say I think he was using drugs, although I do.
11 But --

12 GRAND JUROR: That's okay if you say that.

13 THE WITNESS: Yeah, I believe he was using drugs.

14 GRAND JUROR: Do you think that Leah had been
15 using drugs?

16 THE WITNESS: I do.

17 GRAND JUROR: And how about your sister-in-law,
18 Courtright, the mother?

19 GRAND JUROR: Cory.

20 MR. FRASIER: Cory.

21 GRAND JUROR: Cory.

22 THE WITNESS: Uh, I don't know if she was. I
23 don't know that.

24 MR. FRASIER: Okay.

25 GRAND JUROR: Or the older -- or the other

B. Middleton

1 sister?

2 GRAND JUROR: Or Denise?

3 GRAND JUROR: Denise.

4 THE WITNESS: Pardon?

5 GRAND JUROR: Denise?

6 THE WITNESS: Oh, I believe Denise was, yeah.

7 GRAND JUROR: Her sister.

8 THE WITNESS: You know, I'm going to -- I'm
9 sitting here thinking about Cory at that time. I'm trying to
10 go back there and -- they were all living with her, with
11 Cory's mother and father there. You know, I can -- I just
12 don't know, about that.

13 GRAND JUROR: (Indiscernible.)

14 THE WITNESS: I can --

15 BY MR. FRASIER:

16 Q. Let me ask you a couple of questions. We've
17 heard some things today that frankly I think some of them
18 this is the first time I've ever heard of it. So I thought
19 I'd ask you, and I'm probably going to ask Cory to come back
20 and we'll be asking her most of these questions too.

21 Now, she had a boyfriend she was living with, I
22 believe his last name was Murphy.

23 A. Yeah.

24 Q. And they lived some place else in town?

25 A. Mm, not at that time. Cory lived with her mom

B. Middleton

1 then.

2 Q. Yeah, but when -- Cory split up with Murphy at
3 some point in time?

4 A. Oh, they split up a few times, yeah. Uh --

5 GRAND JUROR: Were they living together at one
6 point?

7 THE WITNESS: At that -- no, they weren't living
8 together then.

9 BY MR. FRASIER:

10 Q. Okay. In June of 2000 Cory and Denise and Leah
11 were living with --

12 A. Oh, okay, yeah. Yeah.

13 Q. Living with grandmother --

14 A. You're right.

15 Q. That was right? Okay.

16 A. But they also were living with Murphy during that
17 time. That just hit me when you --

18 Q. Okay. They had been living with Murphy --

19 A. Yeah.

20 Q. -- or they still were or they had moved out?

21 A. No, they had been, and moved out, I believe.

22 Q. All right. Now, the -- one of the things I want
23 to ask you, were you aware of any allegations that Murphy was
24 trying to sexually abuse Leah Freeman?

25 A. Oh, absolutely not.

B. Middleton

1 Q. That was never brought to your attention?

2 A. Oh -- no.

3 Q. Okay.

4 A. No, not -- I don't think so. No. You know, he -
5 he had -- I can tell you Jim Murphy has a temper, and can be
6 a not-a-very-nice guy, but that's not him, ever. No.

7 Q. All right. We've heard testimony that earlier in
8 the year 2000 that Leah was actually living out at the
9 McGuffins' home for a couple of weeks. Do you know anything
10 about that?

11 A. No. Never heard it.

12 Q. We've heard some testimony today, and this is
13 from the McGuffin family, but we've heard testimony today
14 that Cory was heavily -- or I shouldn't say heavily. Was
15 into methamphetamine, was using meth, I guess quite a bit,
16 the way it was described, and that was one of the reasons
17 that Leah was trying to stay away from around her.

18 A. No.

19 Q. Um --

20 A. I mean, I -- Leah was never trying to stay away
21 from her mom.

22 Q. Okay.

23 A. That I know of. Hmm-mm.

24 Q. All right.

25 A. They always had a pretty good relationship.

B. Middleton

1 It's -- it's -- I'll wait for --

2 Q. Okay.

3 A. They -- they have always had a pretty good
4 relationship, those two.

5 Q. As far as you know, then, Leah didn't live out
6 with the McGuffins at all?

7 A. Well, you know, she may have been -- I'm sure she
8 was out there, but as far as living there, no, I wouldn't say
9 so. Huh-uh. No. She was going to school.

10 Q. Right. How about Nick staying with Cory
11 Courtright, staying in their home for a period of time?

12 A. Nick staying with -- at the same residence with
13 Cory?

14 Q. Yes. Did you ever see that?

15 A. I remember one time Cory was kind of angry
16 because Nick came walking down the stairs in the morning.
17 But as far as living there, no.

18 Q. Okay. Okay.

19 A. And I was there a lot. I mean, me and my wife
20 was there like every other day.

21 Q. As far as you know, there never was a situation
22 where Nick may have been kicked out of his own home and Cory
23 allowed him to stay with them for a day or two or three,
24 until --

25 A. Hmm-mm. No. Absolutely not.

B. Middleton

1 Q. -- he got things straightened out with his mom
2 and dad? Okay.

3 Since what you've talked about, have there been
4 any other -- you know, say in the last five years or so, have
5 you had any other contacts with the McGuffins, or anything
6 like that?

7 A. Last five years? No. I -- I don't believe so.

8 Q. All right.

9 A. I may not know him if I saw him today.

10 Q. Okay.

11 A. Yeah.

12 Q. Finally, I've been asking everybody at least kind
13 of three questions. Has anybody told you that they were
14 responsible for Leah Freeman's death?

15 A. No.

16 Q. Has anybody told you they saw what happened to
17 Leah Freeman?

18 A. No.

19 Q. And I think I've already asked you. You had
20 nothing to do with Leah Freeman's --

21 A. No.

22 Q. Okay. Is there anything else about this case you
23 think the grand jury needs to know about that I've missed?

24 A. Uh, oh. (Sighs.) Well, yeah, a couple things.

25 Denise had kind of -- it was Cor -- Leah's sister

B. Middleton

1 Denise kind of took up with Nick McGuffin after -- and
2 actually, it was -- I think that was even before her body was
3 found. Maybe. I'm not sure of that.

4 But shortly after either they found the body, or
5 even before maybe, Denise was with him a lot, in his car,
6 with other kids. And I don't know what type of relationship
7 they'd had. I -- I can't tell you that, but I saw them at a
8 football game. That would put it in October or November.
9 They were still hanging out. And I was walking out, and they
10 wouldn't let Denise and him back in the game because they had
11 left. Once kids leave, they won't let them back in.

12 And I said, Denise, why are you hanging out with
13 Nick McGuffin? I says, He probably murdered your sister.
14 And she started screaming at me, defending him, and that type
15 of thing, and he just set there and grinned at me. Just
16 grinned. Not denying it, not saying a word. Just grinned.
17 The type of grin that, you know, just kind of told me that,
18 "I did and I can get away with it."

19 And then -- let's see. What's the other thing?
20 Oh -- I don't know. I'm just going to go ahead and say this.

21 I think -- I really believe that Denise Freeman
22 knows more about this case than what she's letting on. I
23 really believe that.

24 Q. Okay.

25 A. And I don't -- I'm not saying she's involved, but

M. Edgerton

1 she knows something.

2 Q. Okay.

3 A. Because she -- she's -- she's -- became very cold
4 after that, and -- and continuously ran around with Nick
5 McGuffin. That alone was so bad, you know. Even if there
6 was a chance that he killed your sister. Maybe -- you know,
7 or you're just -- why would you be doing that?

8 Q. Okay.

9 A. You know, that always frustrated me. And no, I
10 don't like him. I'll throw that out.

11 Q. All right.

12 A. Like -- I really can't think of anything else
13 that might...

14 MR. FRASIER: Okay. I don't have anything else
15 to ask Mr. Middleton. Does the grand jury want to ask him
16 anything?

17 Looks like you're done.

18 THE WITNESS: Thanks, you guys.

19 GRAND JUROR: Thank you.

20 MR. FRASIER: You're free to go.

21 **TESTIMONY OF MEGAN EDGERTON**

22 (Witness sworn.)

23 BY MR. FRASIER:

24 Q. Okay. First of all, this is the grand jury for
25 Coos County, and we're looking into the disappearance and

S. Haight

1 GRAND JUROR: You said the -- Bill Sero, his name
2 still bothers you because he was -- had you seen him be
3 violent before?

4 THE WITNESS: Oh, yeah. Very, extremely.

5 GRAND JUROR: Hit -- hit people?

6 THE WITNESS: Yeah, he -- I've watched him slap
7 people. I've seen him hit a guy across the face with a gun.
8 He -- he had lots of guns. Just violent, and it was, you
9 know, stuff that I wouldn't want to ever experience again,
10 being around those type of people. You know. Unfortunately,
11 it was a bad place that I put myself, you know, doing drugs
12 and stuff like that. But, you know, he was a scary guy.

13 MR. FRASIER: Okay. Any other questions?

14 None? Okay.

15 Mr. Bryant, that will do it, and thank you.

16 THE WITNESS: You're welcome. Thank you.

17 **TESTIMONY OF STACY HAIGHT (NAPIER)**

18 (Witness sworn.)

19 BY MR. FRASIER:

20 Q. First of all, this is the grand jury for Coos
21 County, and we are looking into the death, disappearance and
22 death of Leah Freeman.

23 A. Correct.

24 Q. Okay? It's obvious, but I turned on a couple of
25 recorders, and I've got to tell you we're recording this.

S. Haight

1 A. Correct. Okay.

2 Q. Okay?

3 First of all, could you tell us your name and
4 where you live.

5 A. Stacy Haight. I live in Coos Bay.

6 Q. Okay.

7 A. 63749 Alley Drive.

8 Q. Have you been in the past known as Stacy Napier?

9 A. Yes.

10 Q. Ma'am, do you know an individual, or did you know
11 an individual named Matt Mundell (phonetic)?

12 A. Yes.

13 Q. How did you know Mr. Mundell?

14 A. Uh, we went to school together.

15 Q. Okay.

16 A. And we were -- we were pretty good friends,
17 fairly good friends, anyway.

18 Q. I assume you're aware that a couple of years ago
19 Mr. Mundell --

20 A. Yeah.

21 Q. -- was telling people that basically that you ran
22 over Leah Freeman with a car, and moved her to your house,
23 and then --

24 A. Right.

25 Q. -- he came over to your house and helped you.

S. Haight

1 That Leah had already died, and then that he helped you move
2 the body someplace else?

3 A. Correct.

4 Q. I guess what we're trying to find out, that's not
5 true? Or is it --

6 A. No.

7 Q. -- true? Is it true?

8 A. No. No.

9 Q. Okay.

10 A. I was in car -- California at the time, and he
11 was incarcerated at the time, so there's no way it could even
12 be possible, you know what I mean? Like if you were to look
13 at the paperwork, like he wasn't even around. He'd been
14 incarcerated.

15 Q. Okay.

16 A. And I was at a family's house.

17 Q. Just so we know for the record, where were you
18 when Leah disappeared?

19 A. California.

20 Q. What --

21 A. In Clear Lake, California. Well, Kelseyville, at
22 my aunt and uncle's house.

23 Q. And their name is?

24 A. Uh, Jim and Tanny -- Jim and Tammy Cook.

25 Q. Okay. Are they still there?

S. Haight

1 A. Yes.

2 Q. The reason I'm -- I just want to establish that.
3 If somebody were to press this, then we know to go contact to
4 verify what you're telling us.

5 A. Right. Correct. Yeah. No, that's fine.

6 Q. All right. So we're clear, you had nothing to do
7 with this?

8 A. Nothing to do with it.

9 Q. Can you think of any reason why Mr. Mundell would
10 be trying to drag you into the middle of this?

11 A. Uh, no. He is a troubled kind of kid, and he's
12 known for using a lot of drugs, and I'm sure that had a lot
13 to do with it, you know. Like -- yeah.

14 Q. Do you have any knowledge at all of what happened
15 to Leah Freeman?

16 A. Um, several years back I was in a bad place at a
17 bad time, I suppose, and I heard a couple of guys fighting
18 over some stuff. And when they brought me in before I told
19 them, you know, what I heard and whatnot --

20 Q. Okay.

21 A. -- about a couple of guys fighting about a
22 boyfriend like heard something from his girlfriend that the
23 brother loaned somebody a van, and they ran over a girl. And
24 that the -- they had her up just off of Libby Road, or
25 something like that. And I've let -- I told everybody -- or

S. Haight

1 not everybody, but told the --

2 Q. The police.

3 A. -- the police and everything when they brought me
4 in, everything --

5 Q. Do you remember who these two people were that
6 were arguing?

7 A. Um, the two that were arguing were Jimmy Rozier
8 (phonetic) was arguing with Shane Hayes (phonetic).

9 Q. Okay.

10 A. And it was Shane Hayes's little sister that Jimmy
11 Rozier was dating at the time.

12 Q. Okay.

13 A. So.

14 Q. Did you ever know a Tom Stemmerman or a Bill
15 Sero?

16 A. I've -- I've heard the names, but I don't know
17 them personally, no.

18 Q. Has anybody ever told you that they personally
19 killed Leah Freeman?

20 A. Mm, no.

21 Q. Has anybody ever told you they saw exactly what
22 happened to Leah Freeman?

23 A. No.

24 Q. Okay. Was -- Mr. Rozier and Mr. Hayes, they were
25 fighting to -- did it sound like they were involved in Leah's

S. Haight

1 death or it was just that --

2 A. Oh.

3 Q. -- they'd heard about it? How did that sound?

4 A. Well, no. It was Shane's -- well, what I had
5 been told was it was Shane's van that had hit her.

6 Q. Oh.

7 A. And they were fighting because the little girl
8 had seen, you know, what had happened at the time, you know.
9 And she was scared to death, and hiding in a closet, and
10 wouldn't come out, and all kinds of stuff, you know. And
11 then that's -- I don't know. It's been a long time ago, and
12 I -- I don't really remember everything but --

13 Q. Okay.

14 A. -- that's the extent of what I know.

15 MR. FRASIER: I don't think I have any other
16 questions for you.

17 Does the grand jury want to ask her anything?

18 GRAND JUROR: You said it was a girl hiding?

19 THE WITNESS: Yeah.

20 GRAND JUROR: Was that Shawn's girl or --

21 THE WITNESS: Shane's --

22 GRAND JUROR: Shane's --

23 THE WITNESS: Shane's sister, which was Jimmy
24 Rozier's girlfriend.

25 GRAND JUROR: Okay.

K. McGuffin

1 THE WITNESS: Correct.

2 GRAND JUROR: Do you know what kind of van it
3 was?

4 THE WITNESS: No, I don't. I'm not sure.

5 MR. FRASIER: Okay. Any other questions?

6 Okay. That will do it. You're free to go.

7 THE WITNESS: Thank you.

8 MR. FRASIER: Thank you.

9 **TESTIMONY OF KATHLEEN MCGUFFIN**

10 (Witness sworn.)

11 BY MR. FRASIER:

12 Q. First of all, could you tell us your name,
13 please, ma'am, and where you live.

14 A. Kathleen McGuffin. The whole address?

15 Q. Uh --

16 A. Coquille, Oregon.

17 Q. That's fine.

18 A. Okay.

19 Q. Good. And how long have you lived in the
20 Coquille area, ma'am?

21 A. 28 -- well, we moved here in '85.

22 Q. Well, first of all I guess I need to introduce.
23 This is the grand jury for Coos County.

24 A. Mm-hmm.

25 Q. And they're looking into the death of Leah

K. Peet

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1 And the conversation about Leah was the one time only. I
2 never brought it up after that because Wayne's a very
3 personal person. He doesn't talk about his problems.
4 Doesn't talk about things.

5 At that time. I don't know about now, so.

6 MR. FRASIER: Any other questions?

7 Okay. I think you're done. You can go back to
8 Myrtle Creek.

9 THE WITNESS: Gee. (Laughing.)

10 **TESTIMONY OF KIMBERLY PEET**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. First of all, ma'am, this is the grand jury for
14 Coos County, and we are looking into the death/disappearance
15 of Leah Freeman.

16 I think it's obvious, but I need to tell you that
17 we are recording these proceedings. Okay?

18 First of all, could you tell us your name and
19 where you live.

20 A. Kimberly Renae Peet, and I live on 1164 North
21 Grape Street.

22 Q. Here in Coquille?

23 A. Coquille.

24 Q. And have you lived here in Coquille your whole
25 life, basically?

K. Peet

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1 A. Basically, yes.

2 Q. Did you go to school here?

3 A. Yes.

4 Q. Graduated from high school?

5 A. I got my GED.

6 Q. Okay. Good for you.

7 Do you know an individual named Nick McGuffin?

8 A. No, I do not.

9 Q. How about Leah Freeman; did you know Leah
10 Freeman?

11 A. Yes.

12 Q. And how did you know Leah?

13 A. I went to middle school with her.

14 Q. The reason I brought you in here today was a
15 statement you had made to the police in August of 2000. You
16 had indicated you had been at a party at Michelle Emra's
17 (phonetic) house. Do you know a Michelle Emra?

18 A. Michelle Bateman, yes.

19 Q. And there was a party there at the house, as you
20 recall?

21 A. Yes.

22 Q. And you told the police that you saw David
23 Jenkins, Nick McGuffin, and another friend of Nick's at
24 Michelle's house. Do you recall this?

25 A. Yes, I do.

K. Peet

1 Q. Could you tell the grand jury, please, what you
2 recall of these three individuals; what they were saying,
3 what they were doing at this party?

4 A. I remember -- I was 13 years old. I remember
5 being there, hanging out with a couple of my younger friends,
6 and we were all in a different room than the adults. And
7 they were in another bedroom, and they were all discussing
8 and laughing, and I believe they were all smoking pot. And
9 somewhere along the lines we had heard a discussion with
10 them, and they were talking about strangling Leah Freeman
11 with her underwear.

12 Q. At the time you talked with the police, you
13 indicated that you -- that David Jenkins turned to Nick and
14 said, You guys did it a little over the creative side, don't
15 you think? What did you strangle her with anyway?

16 Do you recall that statement?

17 A. No, I do not.

18 Q. Do you remember who exactly was in this bedroom
19 that was talking, about strangling her with her underwear?

20 A. The only -- I mean, I remember them being there
21 and stuff. I just -- I really don't remember a lot of that.

22 Q. Do you know who was in the bedroom?

23 A. I remember Michelle. And I didn't really know
24 Nick except for his name, so -- and being there. I never
25 really seen him before.

K. Peet

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1 Q. Okay. But was he in this bedroom?

2 A. Yes, he was.

3 Q. And David Jenkins was in this bedroom?

4 A. Yes.

5 Q. And somebody said, you don't know who, that Leah
6 was strangled with her underwear?

7 A. Yes.

8 Q. Did anybody dispute that? In other words, did
9 anybody say no, that's not true?

10 A. No.

11 Q. Did you hear any of these people talk about being
12 down at Johnson Mill pond that night that Leah disappeared?

13 A. No. I don't remember.

14 Q. Okay. Let me read you this, see if you recall
15 this.

16 "She heard David say that he and Nick and Nick's
17 best friend had been down at Johnson Mill pond smoking
18 pot, and they had gone there because Nick said he wanted
19 to get something off his chest. He said that Leah was
20 supposed to have been down at the pond with him."

21 Do you recall that conversation at all?

22 A. No.

23 Q. All right. But just so we're clear, you do
24 recall that there was somebody said, and this was a group of
25 Michelle, David Jenkins, and Nick McGuffin.

K. Peet

1 Was there anybody else in the room?

2 A. I don't know. I really don't remember a lot of
3 this.

4 Q. Okay. But you do recall clearly that somebody
5 said she was strangled with her underwear?

6 A. Yes. Yes. And I remember David Jenkins being
7 the one who said it.

8 Q. Oh, David Jenkins was the one that said she was
9 strangled with her underwear? Right. Okay.

10 Has anybody told you that they killed Leah
11 Freeman?

12 A. No.

13 Q. Has anybody told you, outside of what we talked
14 about here today, that they saw what happened to Leah
15 Freeman?

16 A. No.

17 Q. Do you have any personal knowledge of what
18 happened to Leah Freeman?

19 A. Other than hearsay, no.

20 Q. Okay. Other than what you've already told us, is
21 there anything else you know?

22 A. No. No.

23 MR. FRASIER: Okay. I don't think I have any
24 other questions for Ms. Peet. Does the grand jury want to
25 ask her anything?

K. Peet

1 GRAND JUROR: Michelle, what was her last name?

2 Do you know Michelle --

3 THE WITNESS: Michelle Bateman. yes.

4 GRAND JUROR: Bateman?

5 Now, you said you heard David Jenkins say that,
6 and then somebody else replied with the, You kind of went
7 over the top with that, or --

8 THE WITNESS: Yeah. I think that was Michelle
9 that said that, I believe.

10 GRAND JUROR: That (indiscernible).

11 THE WITNESS: Yeah, it was (indiscernible). See,
12 I know Michelle and I know David. I --

13 GRAND JUROR: Right.

14 GRAND JUROR: What house were you -- where was
15 this at?

16 THE WITNESS: Um, right behind Co -- right by
17 Safeway's. My grandma owns an apartment complex up there.
18 It was Blanche Manor.

19 GRAND JUROR: And you say you were 13 at the time
20 and you were in a separate room?

21 THE WITNESS: Yeah.

22 GRAND JUROR: And when did you -- did you give
23 this statement to the police?

24 THE WITNESS: Yes. My mom told me to go down
25 there because of stuff that was discussed there that --

K. Peet

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1 GRAND JUROR: Okay.

2 GRAND JUROR: And this was right at the time?

3 THE WITNESS: Yes.

4 GRAND JUROR: Do you know what time of night

5 or --

6 THE WITNESS: It was like 5:00 in the afternoon.

7 It was in the afternoon.

8 GRAND JUROR: That night?

9 THE WITNESS: When that happened, yes.

10 GRAND JUROR: The day of the disappearance?

11 THE WITNESS: No.

12 GRAND JUROR: Or the day after?

13 THE WITNESS: This was probably weeks after.

14 GRAND JUROR: Oh, okay.

15 GRAND JUROR: But when, from the time you
16 heard -- overheard it, how long until you went to the police
17 with it?

18 THE WITNESS: It was that day.

19 GRAND JUROR: Same day?

20 THE WITNESS: Yeah.

21 GRAND JUROR: Do you recall if this happened
22 after Leah's body was found or before?

23 THE WITNESS: I believe it was after.

24 GRAND JUROR: Have you talked to -- did you ever
25 dis -- did you ever talk to David Jenkins or your -- I'm

M. Beebe

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1 sorry -- about it at all, or --

2 THE WITNESS: Uh, no.

3 GRAND JUROR: -- did your mother, or anything?

4 THE WITNESS: No. He -- my sister was married to
5 his brother for a while. He wasn't really somebody that hung
6 around the family much.

7 MR. FRASIER: Any other questions?

8 Okay. I think you're free to go.

9 **TESTIMONY OF MELISSA BEEBE**

10 (Witness sworn.)

11 BY MR. FRASIER:

12 Q. First of all, this is the grand jury for Coos
13 County.

14 A. Mm-hmm.

15 Q. And we're looking into the death and
16 disappearance of Leah Freeman.

17 First of all, I think you saw me do it, but we've
18 got two different recording devices going, recording the
19 proceedings here today.

20 A. Okay. Okay.

21 Q. First of all, could you tell us your name and
22 where you live.

23 A. Melissa Beebe. And I live in -- out Ring Creek
24 Road here in Coquille.

25 Q. And how long have you lived there?

A. Shinar

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1 MR. FRASIER: You're free to go.

2 THE WITNESS: All right. Thank you very much.

3 **TESTIMONY OF ADAM SHINAR (BREWER)**

4 (Witness sworn.)

5 BY MR. FRASIER:

6 Q. Sir, this is the grand jury for Coos County, and
7 we're looking into the disappearance and death of Leah
8 Freeman.

9 A. Okay.

10 Q. The first thing I need to tell you, it's obvious,
11 but I turned on a couple of recorders here.

12 A. Yes.

13 Q. We're recording everything. All right?

14 A. Okay.

15 Q. First of all, could you tell the grand jury,
16 please, your name and where you live.

17 A. Okay. My new full name is Adam J. Shinar, and I
18 live at 94342 Sether Street Lane. And that's in North Bend,
19 Oregon.

20 Q. And you say it's your new full name?

21 A. Yes, I was just married on October 12th, to my
22 wife J.V. Shinar, and I took her last name.

23 Q. Oh, okay.

24 A. So -- yeah. Just clear confusion.

25 Q. Okay. I --

A. Shinar

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1 GRAND JUROR: And your pre-marriage name was?

2 THE WITNESS: Adam Brewer, and that's who was on
3 my -- to be here.

4 GRAND JUROR: The subpoena.

5 THE WITNESS: Yes, for subpoena.

6 GRAND JUROR: Yeah. All right.

7 THE WITNESS: Thank you.

8 BY MR. FRASIER:

9 Q. Mr. Brewer, are you acquainted with or did you
10 know an individual named Nick McGuffin?

11 A. No, I did not.

12 Q. How about Leah Freeman?

13 A. I knew her through my employer at one time, which
14 was Dennis Freeman, her father.

15 Q. And that would have been at Denny's Pizza here in
16 town?

17 A. Correct. And the years '97 through I believe
18 '99, before I went to work in Winchester Bay. And then I
19 came back after that.

20 Q. Well, first the thing I wanted to talk with you
21 about here today, you -- were you living in the Coquille area
22 at the time of Leah Freeman's disappearance?

23 A. Yes, I do believe so. I lived at Fairview, about
24 two miles from the state park up there.

25 Q. You came in, I believe, early in the

A. Shinar

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1 investigation and told the police you'd found a bone with
2 tissue lying on it on Fairview Road?

3 A. Yes.

4 Q. And the police investigated that and that turned
5 out to be an animal bone. Is that --

6 A. Yes, correct.

7 Q. All right. I also have in my notes here that you
8 reported to the police that you had seen Nick and Leah get
9 into a fight?

10 A. No. I do not remember that --

11 Q. Okay.

12 A. -- about any fighting or anything.

13 Q. All right. I guess I'll need to go and look
14 up --

15 A. Yeah. I do not remember anything about that.
16 That may have been -- something may have been said by
17 somebody else. I'm not exactly sure.

18 Q. Yeah.

19 A. But, yeah, kind of foggy. It's been a while.

20 GRAND JUROR: Would you have recognized Nick if
21 you saw him, at that time? Did you ever meet him?

22 THE WITNESS: I've only seen him from a distance,
23 so that's all I know there. I never really seen them
24 together. The only time I seen here was like when I was on
25 shift at Denny's Pizza.

A. Shinar

1 GRAND JUROR: Were you working there the night of
2 her disappearance, June 28th?

3 THE WITNESS: I do not believe so. Um, I do not
4 believe so. I believe I was with my wife-to-be at the time,
5 out at Fairview. So other than that, no.

6 BY MR. FRASIER:

7 Q. Okay. I have here a report from a Detective Jim
8 Davis of the Oregon State Police. It indicates he spoke with
9 you on August the 2nd of 2000, which would have been the day
10 before Leah's body was found.

11 A. Mm-hmm.

12 Q. And he states it in the -- in the report he's
13 saying, "He said that in late April of this year" --
14 referring to you -- "he saw Leah and Nick get into a
15 fight in the parking lot of the Fast Mart in Coquille.
16 They were shoving and pushing each other around, and
17 ended when Nick threw his keys across the parking lot.

18 "He said he also observed Nick and Leah get into
19 an argument in Denny's Pizza. There was no pushing or
20 hitting, just arguing."

21 A. And that could -- that -- okay. Back to the Fast
22 Mart thing, um, I do remember something about keys being
23 tossed. And I did remember seeing two individuals. And I
24 did see Leah run to the phone thereafter, at that point.
25 Sorry, flash. Just kind of happened.

A. Shinar

1 As far as the pizza parlor, it may very well have
2 been that I was in there at one time that they had an
3 argument around the video game machines. That is possible.

4 Q. Okay.

5 A. But yeah, I did know her. I didn't know him too
6 much at the time.

7 Q. All right.

8 A. So.

9 Q. So I guess I -- I guess what I'm asking you here
10 today, I know it's been ten years, but I guess do you recall
11 this incident in Fast Mart, now?

12 A. I do recall just that I do remember the keys
13 thing. I was probably there with somebody at the time too.
14 But yeah, that's where I used to shop every once in a while,
15 and I do remember seeing a confrontation between two people,
16 that later Leah was part of it. So yeah, I do remember that.
17 It wasn't very much --

18 Q. You say pushing -- do you recall seeing pushing
19 and shoving?

20 A. No, I do not recover [sic] pushing and shoving,
21 but I remember noise, arguing back and forth.

22 Q. And you do recall the keys being thrown across
23 the lot?

24 A. Yes. Because I was just coming out the door when
25 the keys got tossed. I do remember that. But that's -- it's

M. Brugnoli

1 just a very vague memory, but I do remember that.

2 Q. I've been asking everybody that I can recall,
3 I've been asking these questions. Has anybody told you that
4 they killed Leah Freeman?

5 A. No, they have not.

6 Q. Has anybody told you that they saw what happened
7 to Leah Freeman?

8 A. No, they have not.

9 Q. Outside of what you've told us here today, do you
10 have any information regarding Leah Freeman's death?

11 A. No, I do not.

12 MR. FRASIER: Thank you, sir. I don't have any
13 more questions. Does the grand jury want to ask him
14 anything?

15 Okay. I think that's it.

16 THE WITNESS: All right. Thank you.

17 MR. FRASIER: You're free to go.

18 THE WITNESS: Have a good day.

19 **TESTIMONY OF MELISSA BRUGNOLI**

20 (Witness sworn.)

21 BY MR. FRASIER:

22 Q. First of all, this is the grand jury for Coos
23 County, and they're looking into the death/disappearance of
24 Leah Freeman.

25 I think it's obvious, I've got two different

S. Simon

3

COQUILLE, OREGON; WEDNESDAY, AUGUST 4, 2010; P.M. SESSION

-o0o-

TESTIMONY OF SCOTT SIMON

(Witness sworn.)

BY MR. FRASIER:

Q. First of all, sir, this is the grand jury for Coos County, and we're looking into the disappearance and death of Leah Freeman.

A. Mm-hmm.

Q. It's obvious with the start today that I turned on a couple of recorders, but I have to tell you we're recording the proceedings. All right?

A. Okay.

Q. First of all, could you tell us your name, sir, and what city you reside in.

A. Scott Simon, S-i-m-o-n. And I live in Carmichael, California.

Q. Mr. Simon, in the past have you lived here in the Coos County area?

A. Yes.

Q. And how long and -- well, when did you live here, and for how long?

A. Well, I lived here pretty much my whole life until I went to nursing school at the Southwestern Oregon Community College. I think I graduated in -- I want to say

S. Simon

4

1 2003. And then shortly after that I got a divorce and moved
2 down there promptly, actually before the divorce.

3 Q. Okay. Well, Mr. Simon, the reason I asked you to
4 come here today is -- well, first of all, let me ask you, are
5 you acquainted with an individual named Art Jones?

6 A. Um, I recall -- I knew him from high school, an
7 acquaintance.

8 Q. Okay.

9 A. Never really hung out or anything, but I knew of
10 him and maybe had a class or two with him.

11 Q. All right. As part of this investigation, I just
12 want to read a couple of things to you here. I was just --
13 no. Here -- the first thing I want to say, read to you is
14 something from materials that were seized from the McGuffin
15 home, either earlier this year, or were seized in --

16 A. Who's the McGuffins?

17 Q. Well --

18 A. Do I need to know that? No?

19 Q. Well, Kathy McGuffin would be the mother. Bruce
20 McGuffin is the father. Nick McGuffin is a son.

21 A. Oh, okay.

22 Q. All right?

23 A. Oh, okay.

24 Q. And according to the material I have, this is
25 from either materials that were received by the police in the

S. Simon

5

1 early 2000s or were in the materials that were seized in
2 January of 2010. The McGuffins had written in their
3 paperwork the following, and I just want to read you this
4 first sentence.

5 Scott said Art Jones, a friend of Bill, Tom, et
6 cetera, confided in Scott that Art had burned or disposed of
7 clothes related to Leah, and that Bill and Tom were
8 responsible for Leah's death.

9 A. That's not exactly what was said.

10 Q. Okay. What was said?

11 A. I can explain it to you. But there's some
12 federal privacy laws.

13 Q. I'm not going to ask you about your dealing with
14 Nick --

15 A. Okay.

16 Q. -- or talking to Nick or anything having to do
17 with Nick.

18 A. What -- what I did is I called in a tip --

19 Q. Right.

20 A. -- to Coquille Police Department that my cousin
21 John had told me that he heard a -- he heard from someone who
22 heard from someone who heard from someone a drunken
23 confession from Art Jones that -- and Art Jones in this --
24 this case was drunk and told someone that he was involved in
25 it with Bill Sero -- I don't know if Tom -- I don't remember

S. Simon

6

1 Tom being in it, but this is nine years ago.

2 Q. Sure.

3 A. But that Art Jones, Bill Sero, and it may have
4 been Tom Stemmerman, maybe --

5 Q. Okay.

6 A. -- were standing around like afterwards, were
7 like a around a burn barrel, and were burning some stuff.
8 Burning some of her clothing or -- in a burn barrel, or
9 something like that. And that they had been involved in it.

10 I heard a tip, so I called it in. Okay?

11 Q. Okay. Now, if I understood you correctly -- and
12 please correct me if I'm wrong. If I understood you
13 correctly, you say you heard this from your cousin John --

14 A. Yes.

15 Q. -- who heard it from somebody who heard it from
16 somebody who heard it from somebody?

17 A. Right.

18 Q. Something along that line?

19 A. Yes. Now, John -- when Pat Smith called me
20 recently, a few weeks ago maybe, to ask me this, I told him
21 where I heard it from, but they never really contacted John.

22 Q. Okay. Who's your cousin?

23 A. John Gatzke. G-a-t-z-k-e.

24 Q. I think we've tried to get ahold of him, and --

25 A. Well, he -- he called back twice, and did not get

S. Simon

7

1 a call back. I can get -- tell you how to get ahold of him
2 if you'd like.

3 Q. I certainly would.

4 A. And then -- so I called in this tip that Art
5 Jones and Bill Sero and I don't remember if Tom Stemmerman
6 was involved or not. It's been years. But that may have
7 been the other guy that I forgot about.

8 Q. Okay.

9 A. Were involved in this.

10 And I called in the tip, and apparently Pat Smith
11 said he didn't have a record of that, or something to that
12 effect.

13 Q. Well, let me read you -- did you ever talk to
14 Kathy McGuffin about this, do you recall?

15 A. Yeah, I believe so. Yeah.

16 Q. Because here's a -- I'd like to read this to you.

17 "Scott Simon calls Kathy at home. He was making
18 sure it was all okay and cool that" -- well, I won't get into
19 that because the -- we could get into the privacy stuff that
20 you've mentioned. But did you -- you told -- did you tell --
21 well, did they tell you they wanted you to go to the police
22 with this information?

23 A. Yeah, pretty much.

24 Q. Okay. You promised that you would go, and did
25 Kathy McGuffin give you the name of Ray Nichols as the one

S. Simon

8

1 you'd (indiscernible)?

2 A. I believe -- she gave me the name of someone I
3 don't remember. But probably.

4 Q. Did you tell Kathy that Art Jones had confessed
5 to you --

6 A. No.

7 Q. Scott, or another Scott who told John's cousin
8 who told Scott --

9 A. Okay. This is -- yeah.

10 Q. Okay.

11 A. John told me that it was this guy named Scott
12 that worked or owned the Alder House. Now, I don't -- I
13 guess that place is closed, but John knows what it used to be
14 or who this guy is that used to own it. Now, he's moved out
15 of the area, but I think it was maybe Scott's wife or
16 girlfriend that heard the drunken confession.

17 But he never -- no one ever told me this,
18 directly, or I would have immediately -- if someone confesses
19 a murder to me or something, I'm going in immediately. If
20 it's hearsay, hearsay, I'm like, well, that's not going to do
21 anything. They're not going to listen to that anyway --

22 Q. All right.

23 A. -- sort of thing. But, you know, grand jury, I
24 guess we can use that, so --

25 Q. Well, I'm just trying to track this.

S. Simon

9

1 A. Mm-hmm. Okay.

2 Q. Now, let me ask you this. I think you've
3 answered it, but I'll ask you this anyway. Just -- nobody's
4 told you directly that, Hey, I killed Leah Freeman?

5 A. No. No.

6 Q. And nobody's told you that, Hey, I saw what
7 happened to Leah Freeman, or anything like that?

8 A. Nothing like that.

9 Q. And outside of what you've told us here today, do
10 you have any other information about what happened to Leah
11 Freeman?

12 A. Yeah, I do. Well, I don't know if it's true, but
13 now this -- my same cousin, he's --

14 Q. John (indiscernible).

15 A. He gets around. Yeah.

16 Q. Yeah.

17 A. He works for my dad. My dad owns a denturist
18 business. And they had a patient named Cindy Sero, and I
19 don't know who we're trying to indict here or whatever, and
20 so I'm just giving you everything.

21 Q. We're just trying to figure out what the heck
22 happened.

23 A. Cindy Sero was their patient a few months ago,
24 and she -- John said, Well, do you know Bill Sero? Because
25 we went to school with him, because he's never heard the name

S. Simon

10

1 again. And she said, Oh, you mean the guy that -- that was
2 involved in that murder or whatever.

3 Q. Okay.

4 A. And apparently her husband, which is Bill's uncle
5 or cousin or something, owns an upholstery business. And
6 Bill called and had his car reupholstered the same week that
7 this girl disappeared.

8 Q. Okay.

9 A. Okay? I don't know if you guys already know that
10 or whatever, but --

11 Q. I know something about that, yes.

12 A. Okay. Okay. Well, you know --

13 Q. If I were to tell you --

14 A. Now --

15 Q. Okay.

16 A. Now, my dad's already talked to an attorney
17 because she's a patient --

18 Q. Right.

19 A. -- and that absolves him from HIPAA if she says
20 something like that and you want to talk to John about it.

21 Q. Okay. I can tell you that the police -- let me
22 run this by you and see if this helps you any.

23 A. Okay.

24 Q. I can tell you the police talked to both Bill and
25 Cindy several years ago. They told them about Mr. Sero

S. Simon

11

1 calling and making an appointment or when he called and
2 talked about getting the car reupholstered, but then never
3 followed through.

4 A. Oh, okay. Okay. Okay.

5 Q. Does that make sense to you at all?

6 A. Yeah. I think the important part is that he
7 called the same week that the murder happened to re --

8 Q. Right.

9 A. -- to possibly reupholster it, which sounds kind
10 of -- you know, like something someone might like to know.

11 Q. Right. It is.

12 GRAND JUROR: Did he say what kind of a car?

13 THE WITNESS: I didn't hear anything like that.

14 Um, John may know more. I can give you his number or
15 whatever.

16 BY MR. FRASIER:

17 Q. Or we can just bring Cindy in.

18 A. He'll -- okay.

19 Q. And direct our (indiscernible).

20 A. Okay. Okay.

21 Q. Is there anything else?

22 A. Um, yeah. Or no, I guess not. But so McGuffin's
23 mom said that I said that someone confessed directly to me?
24 Because that's not true. Okay.

25 Q. The first note said Scott said Art Jones confided

S. Simon

1 in Scott that Art was -- had burned or, slash, disposed of
2 clothes related to Leah, and that Bill and Tom were
3 responsible. And referring -- I believe Bill was Bill Sero
4 and Tom is Tom Stemmerman.

5 A. Probably.

6 Q. Okay. Then the mom is saying in the note that
7 Scott told Kathy that Art Jones confessed to Scott another
8 Scott had told John, a cousin to --

9 A. That's more like it.

10 Q. -- who told Scott Simon.

11 A. Right. So I called that in to -- to Ray, I
12 guess.

13 Q. Okay.

14 A. And -- you know.

15 Q. Okay?

16 A. Yeah.

17 Q. All right. I don't --

18 A. But I just told him -- you know, I didn't tell
19 him at the time that it was my cousin that told me, because I
20 didn't want -- you know. And I said, But, you know, if you
21 want to subpoena me and ask me who told me, I'll tell you,
22 sort of thing. And then my cousin John's on his own, and
23 he's going to have to fess up or whatever.

24 Q. Yeah.

25 A. But he just said, Well, that's the problem. No

S. Simon

1 one -- no one will come forward and say where they heard this
2 or that or whatever.

3 Q. Right.

4 A. And I said, Well, you can subpoena me and I'll
5 tell you where I heard it from exactly.

6 Q. Okay.

7 A. You know. Which I've talked to John about it,
8 and he's fine now with telling you whatever.

9 Q. Okay. All right.

10 A. So, that's all I really know.

11 MR. FRASIER: All right. Grand jury want to ask
12 him any questions?

13 GRAND JUROR: What did you think of Bill Sero at
14 the time? Did you know him?

15 THE WITNESS: I grew up with -- well, I grew -- I
16 went to Marshfield with Bill. I don't know if he was the
17 same year as I was. I think he -- this is what I -- I don't
18 really remember, but I think he got off an Indian reservation
19 and he showed up at Marshfield when he was 15 or so.

20 And, you know, he's kind of a -- he used to get
21 into a lot of fights. Very athletic, but not in sports. He
22 was -- he'd, you know, get into fights with older guys if he
23 heard that they beat up their girlfriends or whatever. He'd
24 go around just beating them up. You know, he was a tough son
25 of a bitch.

B. Middleton

1 And I do recall once I was at -- I was with my
2 girlfriend's sister at Fred Meyer, and we saw Bill Sero there
3 at Fred Meyer, and he's got like clothing with the hanger
4 still on it over his shoulder, and he just waltzes out of the
5 store, you know, without paying for it. And -- you know. My
6 girlfriend's sister thought that was real cute.

7 So yeah, I think, you know, he's just kind of
8 a --

9 GRAND JUROR: Arrogant.

10 THE WITNESS: -- asshole. And, you know, maybe
11 antisocial. Probably antisocial.

12 MR. FRASIER: Any other questions?

13 Okay, sir. You're free to go. I'll have the
14 officers ask you about how to get ahold of John, out there in
15 the lobby.

16 THE WITNESS: Okay. And now we're done-done?

17 MR. FRASIER: And we're done-done.

18 THE WITNESS: Okay. Because I got to go back to
19 California-California.

20 MR. FRASIER: Yeah, yeah. You can.

21 **TESTIMONY OF BILL MIDDLETON**

22 (Witness sworn.)

23 BY MR. FRASIER:

24 Q. First of all, could you -- this is the grand jury
25 for Coos County.

R. McNeely

1 THE WITNESS: Okay. Thank you.

2 MR. FRASIER: Okay.

3 THE WITNESS: Ross Dress For Less. (Laughter.)

4 MR. FRASIER: Okay. That will do it.

5 THE WITNESS: All right. Thank you.

6 GRAND JUROR: Thank you.

7 **TESTIMONY OF CHRISTOPHER WEBLEY**

8 (Witness sworn.)

9 BY MR. FRASIER:

10 Q. Okay. Officer Webley, we didn't get it on tape
11 but you've just been sworn in. Is that correct?

12 A. Yes, I have.

13 Q. And it was on the audio.

14 First of all, can you -- well, first of all, tell
15 us your name, please, and your occupation.

16 A. My name is Chris Webley, W-e-b-l-e-y. I'm a
17 police officer for the City of Coquille, be working on four
18 years now.

19 Q. I want to direct your -- well, you've been -- let
20 me back up here.

21 You and Officer McNeely have been tasked by Chief
22 Dannels to be the primary two from your department to be
23 working on the case of the disappearance and death of Leah
24 Freeman?

25 A. That's correct.

C. Webley

1 Q. This morning we heard testimony from -- would
2 have been Bruce McGuffin, indicating his claim that you had
3 threatened a witness named Tosha Ekblad in -- to get her to
4 change her story in front of the grand jury.

5 Have you had contact with this Tosha Ekblad?

6 A. I have.

7 Q. And did you talk to her yesterday?

8 A. I did.

9 Q. Did you talk to her face-to-face?

10 A. No, did not.

11 Q. Was it by phone?

12 A. It was.

13 Q. How did that conversation go?

14 A. Um, at the beginning, was just a little hesitant
15 to speak with me. Officer McNeely spoke with her for a
16 little bit, we kind of traded off, and then she was actually
17 very cooperative. We had a pleasant conversation. She
18 didn't threaten me, I didn't threaten her. I -- and she
19 really didn't change her story. She did tell me some more
20 information, but I'm afraid I don't know -- I have absolutely
21 no idea why anyone would say that, is the best way I can put
22 it, I guess.

23 Q. All right. Did -- Officer McNeely's testified
24 that apparently originally she wasn't forthcoming with
25 certain information that she'd told her mom and her

C. Webley

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1 grandmother?

2 A. Yes.

3 Q. And you gave the phone to Officer McNeely?

4 A. Correct.

5 Q. And he explained to her if she came to grand jury
6 and didn't tell the truth that she'd get into trouble?

7 A. I believe that's the case. I actually was
8 talking to someone else while he was on the phones, but I
9 believe that's true, yes.

10 Q. Since this investigation, since you've been
11 involved in this investigation, have you or any officer in
12 your presence threatened any witness in this case to change
13 their story in any way?

14 A. Absolutely not.

15 MR. FRASIER: Thank you. That's all the
16 questions I have for Officer Webley.

17 THE WITNESS: Nothing further? Appreciate you
18 folks's time.

19 GRAND JUROR: Thank you.

20 (End of recording.)

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C. Webley

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--oOo--

I certify, by signing below, that the foregoing pages 1 through
150 constitute a correct transcript of WAV files provided of
the above-entitled matter, this 7th day of April, 2011.

PEGGY S. JILLSON, TRANSCRIBER

Z. Wilson

1 Mr. McGuffin?

2 Okay, sir. That will do it.

3 THE WITNESS: Okay. Thank you, gentlemen, and
4 ladies.

5 GRAND JUROR: Thank you.

6 **TESTIMONY OF ZACHARY WILSON**

7 (Witness sworn.)

8 BY MR. FRASIER:

9 Q. First of all, sir, just so you're aware, this is
10 the grand jury for Coos County.

11 A. Mm-hmm.

12 Q. And let me make sure that I have -- didn't know
13 if I hit the button or not. Yes, I did.

14 The second thing I have to tell you is we are
15 recording the proceedings. I've got two different recording
16 devices going for us.

17 A. All right.

18 Q. I guess my first question to you, sir, is if you
19 could tell us your name and where you live.

20 A. My name is Zachary Wilson, and I live at 134 --
21 13459 Highway 241, Coos Bay, Oregon.

22 Q. And have you lived in the Coquille area in the
23 past?

24 A. Yes. I've been here my whole life.

25 Q. All right. You were -- have you been married in

Z. Wilson

99

1 the past?

2 A. Yes.

3 Q. And who was -- who were you married to?

4 A. Candy Davis, Candy Wilson.

5 Q. Candy Wilson. Do you know where she's at right
6 now?

7 A. Yes, I do.

8 Q. And where's she at?

9 A. Simic (phonetic), Florida. She's living with her
10 dad.

11 Q. Okay. Is she in the military or --

12 A. No.

13 Q. But she's living with her dad?

14 A. Yes.

15 Q. Do you have her dad's address, by chance?

16 A. I don't. My mother might have it, because he
17 wanted her to send some shirts to him, from her store.

18 Q. All right. If your mom's got the address, could
19 you --

20 A. I think you can look it up on the Internet.

21 Q. Oh.

22 A. On -- my mom's a part --

23 Q. Yeah, the store.

24 A. My mom's -- yes, my mom owns Donna's Country
25 Store, down the street.

Z. Wilson

1 Q. Oh.

2 A. Okay. And my mom's partner Stacy, she looked up
3 Candy, all her information --

4 Q. Oh, really.

5 A. -- on the Internet. And I told like your
6 assistant that.

7 Q. Oh, one of the --

8 A. When I called in to the DA's office.

9 Q. Okay. Because I -- we've been trying to talk to
10 her, and I've not been -- without success.

11 A. Good luck.

12 Q. Good luck? Okay. All right.

13 Yeah, did you actually grow up here in the
14 Coquille area?

15 A. I was -- grew up right up the road.

16 Q. And your dad -- what's your dad's name?

17 A. Louis (phonetic) Wilson.

18 Q. Louis Wilson. You actually are next-door
19 neighbors to the McGuffins?

20 A. Yes.

21 Q. Did you and -- are you acquainted with Nick
22 McGuffin?

23 A. I know Nick. I haven't seen him for probably
24 four or five years, but --

25 Q. All right. Is he about the same age as you --

Z. Wilson

1 A. He's a year older than I am.

2 Q. Year older, okay. Did you see him at school, and
3 things along that line?

4 A. Yes.

5 Q. When you guys were growing up, were you pals,
6 buddies?

7 A. We were acquaintances, but we weren't really real
8 hang -- we didn't hang out.

9 Q. Did you know Leah Freeman at all?

10 A. I knew Leah Freeman. She was one of my ex-wife's
11 real good friends.

12 Q. Then -- and again, that's Candy?

13 A. Yeah, Candy Wilson. She's still using my last
14 name, Wilson.

15 Q. Wilson. And at that time it was Candy Davis?

16 A. Yes.

17 Q. Just trying to keep my facts straight.

18 A. Her mother lives in North Bend, and she's doing
19 state day care over there. And she would know how -- she
20 would know Ed's address.

21 Q. Oh, okay. What's her mother's name, do you --

22 A. Deanne (phonetic) Davis.

23 Q. Deanne Davis.

24 A. Or maybe Pattee. She might have went back to her
25 maiden name.

Z. Wilson

1 Q. Or Pattee?

2 A. Yeah.

3 Q. P-A-T-T-E-E?

4 A. T-E-E, mm-hmm.

5 Q. Okay. And she does state day care?

6 A. Yes.

7 Q. So the DHS people would know where she's at?

8 A. They should.

9 Q. Okay. We'll try to find her.

10 A. I know she is in North Bend.

11 Q. She lives in North Bend, okay.

12 The reason I brought you in here today is a
13 couple of things. Well, back in the year 2000, I believe you
14 were interviewed by the police, and there were -- that you
15 might have known something or heard something about Leah
16 getting in to a fight with her boyfriend or something. Do
17 you recall that statement you made to the police?

18 A. I don't. It's been ten years.

19 Q. Okay. Let me just read to you what I have here,
20 and see if this rings any bells to you.

21 "Zack said he and Tony Anderson were at a party
22 the night Leah disappeared. Zack said Freeman and her
23 boyfriend had gotten into a fight, and that Freeman had
24 left without her boyfriend."

25 Is that -- does that ring any bells for you?

Z. Wilson

1 A. I don't ever remember being anywhere with Tony
2 Anderson, but I was best friends with his brother Dustin
3 Anderson.

4 Q. Okay. All right.

5 A. And Dustin may recall. Boy, I -- like I say,
6 it's been ten years.

7 Q. Did you ever see Nick and Leah together?

8 A. Yes.

9 Q. How was -- what was their relationship like?

10 A. Every time I saw them, they got along just fine.
11 They were -- they were always holding hands and -- you know,
12 public displays of in -- affection. You know. I mean, they
13 were -- seemed real close. They seemed like a good couple.

14 Q. Okay. Did they have any fights or anything like
15 that that you saw?

16 A. Not that I can remember.

17 Q. Did you see anything where, you know, they would
18 hit each other or something like that?

19 A. No.

20 Q. Okay. The reason I ask you that is because in
21 the police report I want to read this quote to you:

22 "Zack said Freeman and her boyfriend always were
23 hitting each other, causing bruises on her."

24 Apparently Brandy was present -- who's Brandy?
25 Brandy --

Z. Wilson

1 A. Would be Brandy Lemmer (phonetic), would have
2 been Dustin's girlfriend. Her last name's Harvey now. She
3 lives in Coos Bay.

4 Q. All right. Now, I asked Brandy if she was
5 present and she said yes, but she did not remember what was
6 said.

7 A. Okay. But I don't ever remember -- I don't
8 remember her being there.

9 Q. Okay. Um --

10 A. Because I got hurt when I was in the service too.
11 I don't --

12 Q. Yeah, you were in battle --

13 A. I have a mental illness, yeah.

14 Q. Oh, okay.

15 A. And so I -- there's parts of my life that I don't
16 remember.

17 Q. Right. Okay.

18 A. I had to get a disability for that.

19 Q. All right. I'm sorry. Did you -- were you hurt?
20 Injured? Accident?

21 A. Uh, I had an allergic reaction to a vaccination
22 they gave me.

23 Q. Oh, really?

24 A. And it messed -- actually messed up the pH of the
25 liquid around my brain.

Z. Wilson

1 Q. Okay. So for anthrax of something, was it?

2 A. Don't know what it was. They won't exactly tell
3 me what's --

4 Q. Which vaccine it was for?

5 A. But the VA gave me a hundred percent disability
6 for it.

7 Q. Really?

8 A. Yes.

9 Q. Okay. Well, I guess what I want to ask you about
10 is apparently Bruce and Kathy McGuffin think you might know
11 something about what happened to Leah. Do you have any
12 information that what happened to Leah Freeman?

13 A. I don't.

14 Q. Okay.

15 A. And I was with my dad the night it happened. And
16 the next day I helped Nick put up wanted -- missing posters,
17 up in Powers.

18 Q. Okay. Went to Powers with him and --

19 A. Yeah, I was -- went to the White Cedar Days --

20 Q. Oh, okay.

21 A. -- the next day, and helped -- I -- we ran into
22 each other, and I helped him, you know. He gave me some
23 posters and I went to put up -- put up posters.

24 Q. Okay.

25 A. Yeah. My ex-wife would be the one you --

Z. Wilson

1 Q. Yeah, that's what I would really like to --

2 A. She's -- um, everything she's -- everything I've
3 ever heard about it has come from her.

4 Q. Okay.

5 A. And the only thing I have heard about it was that
6 Stephanie Gilfillan (phonetic) had run her over with a van,
7 or something to that effect.

8 Q. Stephanie Gilfillan?

9 A. Yes.

10 Q. Okay.

11 A. But that's all I've --

12 Q. And this is what your wife told you?

13 A. That's what my wife told me.

14 GRAND JUROR: What was the last name --

15 GRAND JUROR: Gilfillan.

16 GRAND JUROR: -- of Stephanie?

17 THE WITNESS: Gilfillan.

18 GRAND JUROR: Gilfillan?

19 BY MR. FRASIER:

20 Q. Let's see. Do you know this woman, at all?

21 A. Yes, I do.

22 Q. Is she around?

23 A. I'm not sure. Her parents should live up at
24 Fairview. It's Brian Gilfillan's her dad. He works with my
25 mom (indiscernible), I know that.

Z. Wilson

1 Q. Okay. Brian Gilfillan. Okay.

2 I'll have the police go and check, see if we can
3 find her.

4 Do you know a Tom Stemmerman or Bill Sero? Have
5 you heard these names?

6 A. I know the names. I know that his name's
7 floating around there in the jail a lot.

8 Q. Yeah.

9 A. But I don't know either one.

10 Q. Well, let me ask you this question: Has anybody
11 told you that, Hey, I'm the one that killed Leah Freeman?

12 A. No.

13 Q. Has anybody told you, I was there and I saw what
14 happened to her?

15 A. No.

16 Q. Do you have any information at all, other than
17 what you've told us already, about the death of Leah Freeman?

18 A. I -- I do not.

19 MR. FRASIER: Okay. Sir, I think that's all the
20 questions I have, but the grand jury may have some questions
21 for you.

22 GRAND JUROR: No.

23 GRAND JUROR: I'm good.

24 MR. FRASIER: Looks like -- I'm sorry to make you
25 wait so long, but --

Z. Wilson

1 THE WITNESS: That's okay.

2 GRAND JUROR: Did --

3 MR. FRASIER: Go ahead.

4 GRAND JUROR: Nick. When you said you ran into
5 Nick to post -- put some posters up in Powers --

6 THE WITNESS: Yeah.

7 GRAND JUROR: -- you said.

8 Did he go to Powers with you, or just --

9 THE WITNESS: No, he was a Powers -- he was in
10 Powers at White Cedar Days. I -- I don't know what he was
11 doing up there, but he was -- he was up there and we just ran
12 into each other, like after the parade or whatever.

13 GRAND JUROR: Was this -- do you know a time
14 line? Was that the day after?

15 THE WITNESS: I believe it was, because I know my
16 mom had gone up there to sell T-shirts. And I remember it
17 was White Cedar Days or something up -- I'm pretty sure it
18 was White Cedar Days, because there was a --

19 BY MR. FRASIER:

20 Q. White Cedar Days is around July 4th?

21 A. Mm-hmm.

22 Q. Okay.

23 GRAND JUROR: Okay. Um -- okay. That's fine.

24 GRAND JUROR: Would that have been during the
25 week, White Cedar Days? Or just on the weekends?

Z. Wilson

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1 GRAND JUROR: It's a couple days later.

2 THE WITNESS: I think it was a weekend.

3 GRAND JUROR: It's a weekend thing.

4 GRAND JUROR: It's probably that following
5 weekend.

6 GRAND JUROR: Did you -- would you -- do you have
7 any knowledge of if Nick might have been using drugs at that
8 time?

9 THE WITNESS: I would -- I'd probably say so.
10 His -- his dad does.

11 GRAND JUROR: Yeah. Okay.

12 THE WITNESS: Um, marijuana I know for a fact.
13 And I've heard -- I've heard cocaine, but I don't know that
14 for a fact.

15 GRAND JUROR: Did you actually do drugs with his
16 dad?

17 THE WITNESS: I've never done drugs with his dad.

18 GRAND JUROR: Have you seen his dad use drugs?

19 THE WITNESS: No.

20 GRAND JUROR: Okay.

21 THE WITNESS: I do know he has a medical
22 marijuana card. And he has admitted to me that he does use
23 drugs.

24 GRAND JUROR: Oh, he has?

25 THE WITNESS: Yes. Just right outside the door

H.D. Knight

1 here.

2 GRAND JUROR: Mm, yes.

3 GRAND JUROR: Oh, yeah. (Laughter.) Thanks.

4 MR. FRASIER: Any other questions?

5 Okay, sir. That was -- will do it. You're free
6 to go.

7 THE WITNESS: Thank you.

8 GRAND JUROR: Thank you, Zack.

9 **TESTIMONY OF HUEY DELBERT KNIGHT**

10 (Witness sworn.)

11 THE WITNESS: Yes, sir, with the reservation that
12 all I know is hearsay and rumors.

13 GRAND JUROR: Well, whatever you say is just to
14 your knowledge.

15 THE WITNESS: Other than that -- (laughs.)

16 BY MR. FRASIER:

17 Q. Okay.

18 A. Best of my knowledge.

19 Q. All right. Mr. Knight, this is the grand jury
20 for Coos County, and they're looking into the
21 death/disappearance of Leah Freeman.

22 A. Leah Freeman, okay.

23 Q. Okay. I think it's obvious, but I need to tell
24 you, I've got two different recorders going, recording the
25 proceedings, okay?

D. Breakfield

1 day. You start finding little ways that you can kind of give
2 yourself 10 minutes. It's not a good life.

3 MR. FRASIER: Any other questions?

4 Okay. That will do it.

5 GRAND JUROR: Thank you very much.

6 THE WITNESS: Thank you.

7 **TESTIMONY OF DAVID BREAKFIELD**

8 (Witness sworn.)

9 BY MR. FRASIER:

10 Q. Okay. First of all, sir, this is the grand jury
11 for Coos County, and they are looking into the disappearance
12 and death of Leah Freeman. And it's kind of obvious, but
13 we're recording everything in here today.

14 So first of all, could you tell us your name and
15 where you live.

16 A. David Christopher Breakfield. 68681 Ridge Road,
17 North Bend, Oregon.

18 Q. How long have you lived there, sir?

19 A. About six, seven years. I -- I moved out and in,
20 but it's been in my family's name for about 10 years.

21 Q. Okay. Mr. Breakfield, I want to go back a few
22 years ago -- well, did you ever become acquainted with a girl
23 named Megan Edgerton?

24 A. Yes.

25 Q. How did you meet Megan Edgerton?

D. Breakfield

1 A. Uh, I went to school at the Destinations
2 Building. It's CE2, at Marshfield. I was approached one day
3 by a lady -- well, a young woman, who said that she wanted to
4 hang out. So we started hanging out. We dated for, I don't
5 know, I'd say six months on and off. You know, nothing
6 serious.

7 Q. Okay. And that was Megan?

8 A. Megan.

9 Q. All right. Did you become aware at some point in
10 time that Megan had an ongoing relationship, an off-again
11 on-again with --

12 A. Yes.

13 Q. -- an individual named Nick McGuffin?

14 A. Yes.

15 Q. Was there ever an incident where Mr. McGuffin,
16 for lack of better terms, had driven you guys off the road?

17 A. Yes.

18 Q. Could you tell the grand jury about that.
19 Explain what happened.

20 A. Uh, I was driving Megan home. Uh, I was in my
21 roommate's truck. She lives out on a country road out there.
22 I can't remember the name, but there's a barn. And Nick
23 McGuffin was parked in his truck on the side of that barn.
24 And as I drove by -- as I drive -- drove, driving to the
25 barn, headlights came on and he drove at us in an -- at a

D. Breakfield

1 angle about like this.

2 And I hit the brakes; he went past me up here.
3 Got out of the car. There was some screaming and yelling.
4 Ended up, I believe, with like a little fist-fight, and that
5 was it.

6 Q. All right. Do you know a girl named Tiffany
7 Teyes (phonetic)?

8 A. Yes, I do.

9 Q. And how do you know Tiffany?

10 A. Um, Tiffany was a good, good friend of mine.

11 Q. Okay. Was she --

12 A. Um --

13 Q. She was a cousin to --

14 A. Megan.

15 Q. -- Megan?

16 A. Yes.

17 Q. Was there ever an occasion when you were over at
18 Tiffany's place that Megan was there, and then --

19 A. Yes.

20 Q. -- Nick showed up, and he's like on the roof of
21 the house?

22 A. Yes.

23 Q. Tell the grand jury about that, please.

24 A. Uh, Tiffany Teyes was my neighbor. She lived
25 right up the street from me when I lived on Pine Street in

D. Breakfield

1 Coos Bay, Oregon. Uh, so like I said, I spent a lot of time
2 up there.

3 Um, at the time Tiffany was married. I believe,
4 uh, still. Her husband was in the Coast Guard, so he was out
5 of town. Um, we were hanging out, and the next thing you
6 know there was thumping on the roof. So we go out. Thump,
7 thump, thump, thump. We go out the door. Nick's truck's
8 driving away.

9 Q. Okay. Did you run into Mr. McGuffin a few days
10 later?

11 A. Um, I'm not sure if it was a few days later or
12 prior, or -- I've, I've run into him --

13 Q. Okay.

14 A. -- probably three times. One time at my school.
15 That was the first time, where he drove around Marshfield
16 High School for 35 minutes.

17 Q. Okay.

18 GRAND JUROR: What year are we talking about?

19 BY MR. FRASIER:

20 Q. Yeah, what are we talking about here?

21 A. Um, what year did I graduate?

22 GRAND JUROR: No, the year that -- the first time
23 this happened.

24 THE WITNESS: The first time it happened, I would
25 have been, I think the end of my junior year. So, '03.

D. Breakfield

1 GRAND JUROR: 2003. Okay.

2 THE WITNESS: And that was, like I said, the --
3 the first day that me and Megan hung out. It was like the
4 next day we -- I was walking out of school, and there was a
5 gray Chevy -- nice -- nice -- nicer-looking pickup truck. I
6 think it was a Chevy, like step-side. And it's driving
7 around.

8 And next thing I knew, Megan was saying, Oh,
9 that's my boyfriend, and he's all pissed off.

10 BY MR. FRASIER:

11 Q. Is -- did Nick McGuffin ever threaten you?

12 A. Yes.

13 Q. Can you tell us approximately when it was he
14 threatened you and what he said?

15 A. Um, the night of the car incident, he had
16 threatened me that night. Just basic violence. I'll kick
17 your ass, I'll beat you up, I'll kick your ass this or that.
18 And it slowly progressed into, I'll f-ing kill you.

19 Q. All right.

20 A. Many, many things. Done it before, do it again.

21 Q. Okay.

22 A. Um, and at the time I just thought he, you know,
23 wasn't right. And I've -- I worked in a bar. I'm a bouncer.
24 So, you know, almost every fistfight that I've ever seen in a
25 bar ends with a guy saying, "I'll kill you." So, like I

D. Breakfield

1 said, I -- I don't know. I -- I didn't look at it deep, I
2 guess.

3 Q. Okay. Well, there were two things the police
4 brought to my attention here in the last week.

5 A. Mm-hmm.

6 Q. That you were quoted as been saying that Nick
7 said.

8 A. Mm-hmm.

9 Q. One of the things was, quote, I strangled that
10 bitch's neck, and it wouldn't be hard for me to do you too.

11 A. Yeah.

12 Q. So, could you tell us when that occurred,
13 roughly, and to the best of your recollection the
14 circumstances and what he said.

15 A. I would -- I think that, um, that was another
16 one, like I said, that happened out at Megan's house. Like,
17 it's a long dirt road to get to her house. And I believe at
18 one point in time she'd had to have a restraining order
19 against him because he was creeping around her property.

20 Well, I -- like I said, we were seeing each other
21 on and off for a while. I was driving out there. He was
22 there. It was daytime. There was no physical altercations.
23 He just told me to basically stay away from Megan. And I
24 said no. And at that point was when he went on to make
25 remarks about, I've done this before and I'll do it again.

D. Breakfield

1 Don't think I won't kill you. I strangled that bitch, I'll
2 strangle you too. Several other remarks I don't know if I
3 can remember.

4 Q. Okay. But you're real clear that he said, "I
5 strangled that bitch"?

6 A. At the time I didn't even know -- at the time,
7 like I said, I was a 17-year-old kid. I didn't even know who
8 this guy was or who he was referring to in any way, shape, or
9 form. I did not even know this person.

10 Q. Okay. But he did tell you, "I killed before, it
11 wouldn't be hard to kill you," or --

12 A. Yeah. The guy is crazy.

13 Q. Did you eventually break off your relationship
14 with Megan because you didn't want to deal with this issue?

15 A. Yes, sir.

16 Q. Okay.

17 A. Well, not -- okay. I -- I broke it off, and then
18 I believe Nick left for a little while. We kind of hooked
19 back up again for a little bit. And then at one point she
20 was just so used to being treated the way he was treating her
21 that that's -- I -- I treated her good. And it -- it was
22 awkward to her. You know, because he would abuse her
23 mentally, from what she was telling me. Physically. You
24 know, would tell her that she's a c-word, and she's sleeping
25 with other people, and she's nasty, and he's not going to

D. Breakfield

1 touch her. But he doesn't want anybody else to. So these
2 are things that I am getting from her. Like I said, he's got
3 some social issues.

4 Q. All right. Outside what we have talked about
5 here today, do you have any other information about the death
6 of Leah Freeman which you think the grand jury should know?

7 A. No, sir. Um, like I said, I'd never met her.
8 Uh, the only thing that I've ever heard was just from this
9 and afterwards, you know, people saying small things. But
10 nothing that I -- nothing that I can recall at all, that I
11 know as far as what -- what went down. The only thing that I
12 know, as far as what went down, is the stories that I've
13 heard location-wise, and from the newspapers and whatever,
14 you know.

15 MR. FRASIER: All right. I don't think I have
16 anything else for Mr. Breakfield. Does the grand jury want
17 to ask you anything?

18 GRAND JUROR: Which Megan? What's Megan's last
19 name?

20 THE WITNESS: Edgerton. E-D-G-E-R-T-O-N.

21 GRAND JUROR: Was she -- was she there when Nick
22 made that statement, the statements that, you know, we --

23 THE WITNESS: No, sir.

24 GRAND JUROR: You were at her house, but she was
25 inside or something?

D. Breakfield

1 THE WITNESS: No, sir. It was, uh -- like I
2 said, her, her gravel road was a good two miles --

3 GRAND JUROR: Right.

4 THE WITNESS: -- from the -- the start of her
5 property to her house. And it's way out in the country, uh,
6 you know, out past the Sause Brothers boat building place out
7 there, out past TNT Market. It is way out there. So he's
8 like, you know what I'm saying, right at her property line as
9 I'm driving to her road.

10 GRAND JUROR: Oh, okay. Okay.

11 THE WITNESS: Oh, okay. Uh, maybe one more
12 thing. I don't know if -- I don't think it's --

13 MR. FRASIER: Okay.

14 THE WITNESS: -- has anything to do with
15 anything, but Tiffany Teyes and I also had a small
16 relationship.

17 MR. FRASIER: Right.

18 (Pause.) Okay.

19 THE WITNESS: And that's about it.

20 MR. FRASIER: All right.

21 GRAND JUROR: When you were at Tiffany's and you
22 heard somebody on the roof, and then you went outside and you
23 saw Nick driving off, or someone -- a vehicle that looked
24 like his driving away, did you talk to Tiffany about it?
25 Does she know Nick? Or did she --

D. Breakfield

1 THE WITNESS: Oh, yeah.

2 GRAND JUROR: -- have any idea what was
3 happening?

4 THE WITNESS: Well, she -- she -- she knew --
5 knew who Nick was. Like I said.

6 GRAND JUROR: Did she have -- I mean, was there a
7 relationship there that Nick was complaining that you were
8 there? I mean, was he --

9 THE WITNESS: Oh, with me and --

10 GRAND JUROR: Tiffany?

11 THE WITNESS: No, the reason Nick was there was
12 because I was seeing -- I was still seeing Megan.

13 GRAND JUROR: I see.

14 THE WITNESS: Once -- once me and Megan finally
15 hooked back up again, and Megan had told me that she didn't
16 want to be with me no more, she'd rather be with Nick because
17 he -- that's how -- what she was used to or whatever, um, the
18 only reason me and Tiffany ever had a thing was, like I said,
19 we were neighbors. Her husband came home one day from the
20 Coast Guard, and had already sold -- sold her truck and
21 traded it in for a new rig and filed for divorce because he
22 had thought that we were sleeping together. Which, at the
23 time, we were not. So, he divorces her that night. She come
24 down to my house crying. I was her friend. I took care of
25 her. And a couple weeks later we ended up dating for a

D. Breakfield

1 little while. And that's the end of the time.

2 After that, she -- Tiffany had moved, and Megan
3 and me quit -- I -- I broke it -- quit contacting her.

4 GRAND JUROR: After you and -- the relationship
5 between you and Megan had ended, the problems with Nick ended
6 at the same time?

7 THE WITNESS: Oh, yeah. It was all about her. I
8 mean, it's not a coincidence.

9 GRAND JUROR: So your opinion was that Nick was
10 sitting in the car waiting for you --

11 THE WITNESS: Oh.

12 GRAND JUROR: -- to come that -- how do you mean,
13 specifically --

14 THE WITNESS: Yeah.

15 GRAND JUROR: -- for you, because he knew that
16 you were having a --

17 THE WITNESS: Well, like I said, the -- there had
18 been several times, you know, just creeping around. Around
19 my neighborhood. Drive by my house. Drive by my school.
20 Uh, it was like the guy knew where I was all the time.

21 (Pause.)

22 GRAND JUROR: So he kind of stalked you, in other
23 words?

24 THE WITNESS: I would say, yeah.

25 (Pause.)

A. Heffner

1 GRAND JUROR: Do you know his brother, Wayne?

2 THE WITNESS: No, sir. He is the only one of the
3 family that I have met.

4 (Pause.)

5 MR. FRASIER: Okay. Any other questions?

6 Okay. That will do it. Thank you, sir. You're
7 free to go.

8 THE WITNESS: Thank you.

9 MR. FRASIER: Don't forget your hat, there.

10 GRAND JUROR: Thank you.

11 THE WITNESS: Have a good day, everybody.

12 **TESTIMONY OF AMBER HEFFNER**

13 (Witness sworn.)

14 BY MR. FRASIER:

15 Q. First of all, ma'am, this is the grand jury for
16 Coos County, and we're looking into the disappearance and
17 death of Leah Freeman. And to start off, I need to tell you
18 we are recording everything. All right?

19 A. Okay.

20 Q. First of all, could you tell us your name and
21 where you live, please.

22 A. It's Amber R. Heffner. It's, um -- do I need
23 give my full address?

24 Q. Just the city's name where you live.

25 A. Winston, Oregon.

T. Cooper

1 joke, Daddy took the T-bird away, that -- in that time. So,
2 I mean, it's -- they wrote out their own little timeline and
3 then compared it to the timeline that the police put together
4 and -- I don't know.

5 GRAND JUROR: So they made you privy to a lot of
6 information, then, actually about what --

7 THE WITNESS: Kind of, yeah.

8 GRAND JUROR: Are you scared of Nick?

9 THE WITNESS: I wouldn't say scared, no.

10 (Pause.)

11 MR. FRASIER: Any other questions for Kyla?

12 Okay. I think you're done. You're free to go.

13 THE WITNESS: Thank you. Have a nice day.

14 GRAND JUROR: Thank you.

15 **TESTIMONY OF TROY COOPER**

16 (Witness sworn.)

17 BY MR. FRASIER:

18 Q. First of all, this is the grand jury for Coos
19 County. They're looking into the disappearance and death of
20 Leah Freeman. And I got to tell you we're recording
21 everything.

22 A. Okay.

23 Q. All right. First of all, could you tell us your
24 name, please, sir, and the city you live in.

25 A. Troy Cooper. Coquille, Oregon.

T. Cooper

1 Q. Mr. Cooper, are you -- did you used to work at
2 Coquille High School?

3 A. Yes.

4 Q. Do you still work there?

5 A. I still do.

6 Q. Okay. Why did I think you left town?

7 A. (Laughs, coughs.) Excuse me.

8 Q. Okay. All right. Oh, well. Anyway.

9 You -- well, working for the school district,
10 you're a teacher or a coach or both?

11 A. Both.

12 Q. Okay.

13 A. Yes.

14 Q. Where do you work? What part of the district do
15 you --

16 A. Right now I work exclu -- exclusively at the high
17 school. Previously I've worked at the high school as a
18 teacher and as a coach at the middle school.

19 Q. Back to the year 2000, were you employed at the
20 high school?

21 A. And the middle school, both.

22 Q. And the middle school?

23 A. Yes. If I recall --

24 Q. Right.

25 A. -- correctly on that.

T. Cooper

1 Q. Okay. During the time frame you were at the high
2 school, did you have contact with a student named Nick
3 McGuffin?

4 A. Names, I'm just -- you know, I can't remember the
5 name very well.

6 Q. Okay.

7 A. So, I'd have to remember the actual --

8 Q. All right.

9 A. -- incident, I guess, more.

10 Q. Well, let me hand you that.

11 A. Okay.

12 Q. Let me see if you recall.

13 A. Okay. Yeah. I remember this incident. So -- I
14 just couldn't place the name on it.

15 Q. Okay. There was an incident in the -- in March
16 of 1999 with you and Nick McGuffin?

17 A. Correct.

18 Q. Could you tell the grand jury what happened with
19 you folks.

20 A. Um, as I recall it, um -- I got to kind of
21 remember.

22 I was heading towards my classroom. I had to
23 leave for some reason, temporarily. And when I came back, a
24 student was talking to, as I recall, Leah in my classroom.
25 And I basically informed that student that he needed to leave

T. Cooper

1 my classroom and be wherever he's supposed to be.

2 He -- as he left, he basically did the -- you
3 know, if you're guy, you kind of know the shoulder thing,
4 where you throw your shoulder at somebody to kind of let them
5 know. It's kind of a threatening posture sort of thing, if I
6 recall. And, um, we had a -- somehow that incident had
7 evolved.

8 So -- so that's really the only contact I had
9 with that student. I never had him in a class or anything
10 like that. But -- but I do recall taking that, um, up to the
11 office. It's -- I don't know, it seems so long ago. I -- I
12 don't remember many of the details there, but I do recall
13 that.

14 Q. Okay. This document that I have here, is this
15 the document that you actually prepared for the office?

16 A. Um. (Pause, referring.)

17 Yeah. This would be something that I would have
18 prepared.

19 Q. All right.

20 A. So.

21 Q. In addition to him putting the shoulder to you as
22 he was walking past you, there was -- later on in the day
23 there was some more contact between -- well, I shouldn't say
24 contact. There was more words spoken, were there not, later
25 in the day?

T. Cooper

1 A. Yeah, it's -- it's hard for me to remember the
2 later part there. I do remember the door incident.

3 Q. Okay.

4 A. Um, it -- and I recognize this as my own writing
5 with regards to that. Uh, the most that I remember about
6 that day was I really had to control my anger that day.

7 Q. Okay.

8 A. Because I did, uh, consider his -- his actions
9 over the top for a student. Especially -- you know, I've had
10 students get a little bit out of control, I suppose, but none
11 of them actually looked or acted like they wanted to step
12 outside for a fight or something like that. Whereas --
13 whereas, as I recall, this incident was a little bit more
14 towards that end of, you know, let's step outside and finish
15 it out there, sort of thing.

16 Q. So you wrote this incident up and sent it to the
17 front office, for the high school?

18 A. Yeah, I'm pretty sure I would have talked to --
19 somehow, I recall more talking with, um, Ms. Nortness about
20 this, than Tim.

21 Q. Okay.

22 A. But Tim may have been the person I talked to.
23 If I wrote this up, then that would have meant
24 that it was a -- that I had seen it as a -- as a major
25 incident for me. I don't normally would -- I would almost --

T. Cooper

1 I would rarely write up a whole, you know, paper on one
2 incident with a student unless I was quite aggravated by the
3 events.

4 Q. Okay.

5 (Pause.) All right. But this is an incident, if
6 I understood correctly what you're saying, is that this was
7 not the normal run-of-the-day thing that you would have
8 happen at the high school --

9 A. Oh, no. It was quite --

10 Q. -- when he was a student.

11 A. It was quite heightened as far as physical
12 contact with a student. A student who didn't even know me
13 personally, so there wasn't -- it couldn't be described as
14 banter or playing around. It was -- it was a straight
15 stranger getting into the face of another stranger,
16 basically.

17 Q. And it --

18 A. And one of the strangers being an authority
19 figure at the time.

20 Q. Yeah. And basically it got started because
21 you're going to your classroom, he's standing in this
22 doorway. He should be in class. You told him go to class,
23 and then he --

24 A. And then he bumped my shoulder at that time.

25 Q. All right.

T. Cooper

1 A. -- and that's where I confronted him on that,
2 after he did that. I was going to let him off on the talking
3 to my student --

4 Q. Yeah.

5 A. -- in my classroom, just as long as he went to
6 the -- went to his classroom.

7 Q. Okay.

8 A. But from there it escalated.

9 MR. FRASIER: I don't think I have anything more
10 to ask you.

11 Does the grand jury want to ask him anything?

12 GRAND JUROR: Did you ever have another incident
13 after that with Nick?

14 THE WITNESS: Not that I recall. Most of my
15 contact was with Leah. I was her coach, and that sort of
16 thing. So, and that's why I remember the door part, because
17 it was Leah talking to him at the time. So I knew him as her
18 boyfriend, and that was about it.

19 GRAND JUROR: What was Leah's reaction?

20 THE WITNESS: Leah, um -- you know, Leah and I
21 had a pretty good relationship because I was her coach. And
22 so Leah was -- she was pretty accustomed to doing what I
23 asked her to do, I guess, as a former coach, a volleyball
24 coach, and -- and whatnot. I really don't remember her
25 reaction too. I mean, it -- once he bumped shoulders with

T. Cooper

1 me, my focus was very much on the student, to make sure that
2 I controlled whatever that situation was going to become at
3 that point.

4 GRAND JUROR: But Leah didn't step in --

5 THE WITNESS: Oh, I can't --

6 GRAND JUROR: -- and apologize for him or
7 anything like that, that you recall?

8 THE WITNESS: I can't remember anything of that
9 nature, um, there.

10 (Pause.)

11 GRAND JUROR: Did Leah's involvement with sports
12 and stuff like that change at all when she was dating this
13 guy?

14 THE WITNESS: Uh, I -- I -- you know, I don't
15 know. I mean, I had her when she was a seventh grader, as a
16 volleyball player. I mean, I just remember her as, you know,
17 the great kid and a fantastic server. I still do.

18 Um, but I -- you know, she was with another coach
19 in high school, so. We -- she was, uh, in my computer class
20 I -- if I recall on this particular incident.

21 (Pause.)

22 MR. FRASIER: Anything else? Okay.

23 THE WITNESS: Okay.

24 MR. FRASIER: You're free to go.

25 THE WITNESS: Thank you.

S. Nelson

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1 GRAND JUROR: Thank you.

2 **TESTIMONY OF SHARON NELSON**

3 (Witness sworn.)

4 BY MR. FRASIER:

5 Q. Okay, ma'am. This is the grand jury for Coos
6 County, and they're looking into the death/disappearance of
7 Leah Freeman --

8 A. Okay.

9 Q. -- in the year 2000.

10 It's obvious, but I got to tell you I'm recording
11 everything.

12 A. Okay.

13 Q. First of all, could you tell us your name and
14 your occupation.

15 A. My name is Sharon Nelson, and I'm employed by the
16 Coquille School District. I'm currently in the capacity of
17 high school principal.

18 Q. How long have you been the principal?

19 A. I've been the principal starting my fourth year.

20 Q. Okay.

21 A. I think. (Laughter.)

22 Q. And your husband is Wayne the barber?

23 A. Yes. Wayne "Roxy" Nelson, the barber.

24 Q. Right here?

25 A. Yes. Yes.

C. Courtright

COQUILLE, OREGON; WEDNESDAY, AUGUST 11, 2010; 11:59 A.M.

-o0o-

TESTIMONY OF CORY COURTRIGHT

(Witness sworn.)

BY MR. FRASIER:

Q. Okay, ma'am. You've been here before; you know these folks.

A few things came up last week that we -- some questions we wanted to -- specifically I had, that we wanted to talk about with you.

At the time Leah disappeared, you were living with your parents in the Simpson Heights area?

A. Sanford Heights area? Yes.

Q. Sanford Heights.

A. Mm-hmm.

Q. Okay. Don't want to keep saying something that's not --

And prior to that, you had a boyfriend or a relationship with an individual named Jimmy Murphy?

A. Yes.

Q. And you folks had lived together. Is that correct?

A. Yes.

Q. Last week we heard an allegation that Mr. Murphy had attempted to sexually abuse Leah, that that information

C. Courtright

1 had brought to you -- been brought to your attention, and
2 that you didn't do anything about it.

3 So I guess my first question is were you ever
4 aware that Mr. Murphy had made any inappropriate advances to
5 Leah?

6 A. Absolutely not.

7 Q. Okay. And then, Mr. McGuffin indicated that for
8 about two weeks Leah actually lived with the McGuffins, and
9 part of the reason she was living with you was because she
10 was trying to get -- or living with them was she was trying
11 to get away from Mr. Murphy.

12 Did she ever live with the --

13 A. Absolutely not.

14 Q. Okay.

15 A. No.

16 Q. Another thing -- I'm not trying to embarrass you
17 or anything, but this is what came up, and so I'm going to
18 ask you. Mr. McGuffin claimed that you were heavily into
19 methamphetamine in 2000, and that's another reason why Leah
20 was either staying with them or hanging around the McGuffin
21 residence a lot.

22 A. That's a lie.

23 Q. Okay. All right.

24 A. That is a lie.

25 Q. Okay. I -- did you -- were you using

C. Courtright

1 methamphetamine at all in the year 2000?

2 A. No, I was not.

3 Q. Okay.

4 A. Hmm-mm.

5 Q. Did Nicholas ever live with your family at all?

6 A. (Laughs.) Sorry.

7 Q. Okay.

8 A. It's not funny.

9 Uh, no, he never, ever, ever, lived with me. In
10 either home that I lived in. No.

11 Q. Okay. All right.

12 Just a couple other questions about Leah that I
13 want to ask you. First of all, as far as you knew, Leah was
14 in perfect health?

15 A. Yes.

16 Q. She had -- she'd been involved in athletics at
17 the high school and at the middle school, correct?

18 A. Correct.

19 Q. And every year she would have had to have a
20 physical and that type of thing to participate?

21 A. Correct.

22 Q. And nothing was ever brought to your attention
23 that she had, like diabetes, or a congenital heart defect, or
24 anything like that?

25 A. No.

C. Courtright

1 Q. All right.

2 A. No.

3 Q. In the days leading up to the day of when Leah
4 disappeared, did you see anything in how she was behaving or
5 anything like that that caused you concern that she might
6 cause harm to herself?

7 A. Uh, no.

8 Q. Okay.

9 A. Huh-uh.

10 MR. FRASIER: I think those are the questions I
11 have.

12 Grand jury want to ask her anything?

13 GRAND JUROR: Did your daughter -- I mean -- did
14 your daughter Denise use meth at the time? Did your
15 daughter --

16 MR. FRASIER: Denise.

17 GRAND JUROR: -- Denise use methamphetamines in
18 the year 2000?

19 THE WITNESS: In the year 2000, after Leah
20 disappeared, yes, she did.

21 GRAND JUROR: Okay. Did she spend time with Nick
22 for a period of time, like into the school year in that year?

23 THE WITNESS: Yes, she did.

24 GRAND JUROR: Okay.

25 GRAND JUROR: Did Nick live at your house during

C. Courtright

7

1 Christmas that year, for a couple weeks?

2 THE WITNESS: In the year 2000?

3 GRAND JUROR: Well, it would be going into 2000.

4 GRAND JUROR: 1999.

5 GRAND JUROR: Christmas of '99.

6 THE WITNESS: No. No. He never did. As a
7 matter of fact, I can tell you where he was staying. He was
8 staying on Grape Street with a girl by the name of, uh,
9 Shelly Fisher.

10 GRAND JUROR: Here again, I don't want to
11 embarrass you or anything, Cory, but it was also brought out
12 that it was suspected that Leah was pregnant. Did -- do you
13 know anything about that?

14 THE WITNESS: I don't. I don't know. All I know
15 is that I had become aware that they were -- had become
16 sexually active, which led me to make the appointment for,
17 um, the health department --

18 GRAND JUROR: Mm-hmm.

19 THE WITNESS: -- to get her on birth control
20 pills.

21 GRAND JUROR: One other quick question from me.
22 And it was stated that on graduation night that you had
23 allowed Leah to sleep with Nick at the McGuffins'. That you
24 had stated that it was okay because it was during her period
25 and there would be nothing to worry about.

C. Courtright

1 THE WITNESS: No, that's not exactly the way it
2 went. That was the one and only night Leah was ever allowed
3 to stay at the McGuffin home. Um, the kid -- uh, Nick and
4 Leah kept bugging me, oh, I don't know, maybe up to a week
5 before his graduation. They were going to have a party out
6 there for his graduation. And they did. And they did.

7 And I kept saying no at first, and they finally
8 talked me into it with -- I -- but I also said, I'm going out
9 there when I get off work, because I had seen his parents but
10 never actually met them. That is the night that I actually
11 met Bruce and Kathy McGuffin. And I went out there after
12 work. I probably got there at about 10:30 and left at 11:30,
13 and Leah was already asleep when I got there.

14 BY MR. FRASIER:

15 Q. I want to follow up on that a little bit. That
16 was one thing I was going to talk with you about, before I
17 forgot to put it on my notes.

18 But when we had Bruce McGuffin in front of the
19 grand jury last week, he tried to lead us to believe that it
20 was all your idea that Leah spend the night there. That you
21 absolutely insisted that this occur. That you felt that this
22 was something special for Leah. The McGuffins were kind
23 of -- at least the way I was interpreting Mr. McGuffin -- was
24 that they were kind of reluctant to allow this to happen, but
25 because you were so forceful they acquiesced.

C. Courtright

1 How -- what was your recollect -- what is your
2 recollection on how this came about?

3 A. Of how she got to stay?

4 Q. Yeah. I mean --

5 A. Again, I think I just --

6 Q. Okay. Did you have a discussion with the
7 McGuffins about her staying, with Mr. and Mrs. McGuffin, the
8 parents, about this?

9 A. No, because I hadn't -- again, I hadn't met them
10 or really even talked to them until that night.

11 Q. Okay. And what kind of conversation did you have
12 with them that night about Leah staying with them?

13 A. Um, actually since it was just the night that I
14 had first met them, we just -- I just remember sitting out on
15 their porch. The party seemed to be pretty much over. There
16 was just a few people hanging around: The neighbors. Um,
17 maybe a few of Wayne's friends. We just kind of -- I felt
18 like we were just kind of getting to know one another. Um,
19 and again, Leah was -- they said Leah was already asleep.

20 Q. Okay. Did they -- Mr. and Mrs. McGuffin seem at
21 all reluctant to allow Leah to stay the night there?

22 A. No.

23 MR. FRASIER: Okay.

24 GRAND JUROR: Did you see Leah that evening then,
25 when you got over there? Or they just said she was asleep,

C. Courtright

1 and you didn't interrupt, you didn't bother to --

2 THE WITNESS: Yeah, because I -- I didn't even go
3 in their house that night.

4 GRAND JUROR: Okay.

5 THE WITNESS: I just sat out on the front porch
6 with them at this big picnic table, and visit -- they were
7 across the table from me, and visited with them.

8 My daughter Denise did go in, and so I did know
9 that Leah was -- I mean, I know that Leah was in there,
10 therefore.

11 GRAND JUROR: Did you see Nick, or was he also
12 in -- inside in the party?

13 THE WITNESS: Uh, yeah, I saw Nick just briefly.
14 He was kind of coming and going, in and out of the house,
15 and -- that's what I remember about that night.

16 GRAND JUROR: So, that was June of 2000, and that
17 was the first time you met them?

18 THE WITNESS: Mm-hmm.

19 GRAND JUROR: Because they led us to believe that
20 they had known you for years and helped you with this meth
21 problem because you were so close to them. Correct? Isn't
22 that what he said?

23 THE WITNESS: Wow.

24 GRAND JUROR: He said he'd known you for years.

25 THE WITNESS: Oh. No, no, no, no, no. I had

C. Courtright

1 never met these people until then.

2 GRAND JUROR: Okay.

3 THE WITNESS: That -- that's a lie.

4 GRAND JUROR: All right.

5 THE WITNESS: Yeah. Whoa. Interesting.

6 (Pause.)

7 MR. FRASIER: I think that we --

8 GRAND JUROR: My major problem, or my major
9 question that I had of Cory was -- you asked it, Paul. The
10 accusation that you had -- that you were on meth, and that --
11 during the period that -- after Leah had disappeared, that
12 you were really heavy into it, and that you were bouncing off
13 the walls at the house. And they were there and they -- they
14 were trying to help you.

15 And that was my major question. And --

16 GRAND JUROR: Did you ever go into their house?

17 THE WITNESS: Have I ever been into that?

18 GRAND JUROR: Inside the house? Their --
19 McGuffins' house?

20 THE WITNESS: Yes, I've been in their house.
21 When we were looking for Leah --

22 GRAND JUROR: Okay.

23 THE WITNESS: -- and that type of thing. Yeah.

24 GRAND JUROR: But not with Leah, not before she
25 disappeared?

C. Courtright

1 THE WITNESS: Not that -- no, huh-uh. No.

2 GRAND JUROR: Okay.

3 GRAND JUROR: But did you use meth after -- have
4 you ever used meth?

5 THE WITNESS: Um, back in 1988, meth was a part
6 of my life for a few years. And that's -- I haven't touched
7 it since.

8 GRAND JUROR: You say for a few years, though.
9 Was that preceding '88 or -- because that would put you at --

10 THE WITNESS: No. Um, probably --

11 GRAND JUROR: No, '88.

12 GRAND JUROR: Oh, '88. Sorry. I'm sorry.

13 THE WITNESS: Yeah, it's '88 until -- maybe even
14 '87. In that frame there. Maybe until -- I mean, I would --
15 the latest I could say would probably be '90. But I haven't
16 touched it since.

17 GRAND JUROR: But you say that you didn't meet
18 Bruce McGuffin until 2000. So the year 2000 was the first
19 time you met Bruce.

20 THE WITNESS: Yes.

21 GRAND JUROR: Did you ever know that Bruce used
22 meth?

23 THE WITNESS: Did -- uh --

24 GRAND JUROR: During that time?

25 THE WITNESS: At that time? No.

A. Fisher

1 GRAND JUROR: In 2000.

2 THE WITNESS: In -- in 2000, did I know that
3 Bruce used meth? No.

4 GRAND JUROR: Did you smoke pot with both kids?

5 THE WITNESS: Yeah. Yeah.

6 GRAND JUROR: You never went to school or
7 anything with any of these people?

8 THE WITNESS: With any of the McGuffins?

9 GRAND JUROR: Yeah.

10 THE WITNESS: No.

11 (Pause.)

12 MR. FRASIER: Okay. Anything else?

13 GRAND JUROR: That's all I've got.

14 MR. FRASIER: All right. You're done.

15 GRAND JUROR: Thank you for all your --

16 GRAND JUROR: Pleasure.

17 THE WITNESS: I'd like to thank you all for your
18 time in this. Hopefully, I won't have to come back.

19 (Laughs.)

20 GRAND JUROR: We hope so too.

21 MR. FRASIER: Okay.

22 THE WITNESS: Thank you so much.

23 **TESTIMONY OF AUSTIN FISHER**

24 (Witness sworn.)

25 BY MR. FRASIER:

E. Davidson

1 MR. FRASIER: Okay. Any other questions?

2 THE WITNESS: Anybody else want to know anything?

3 I can tell you if I can.

4 MR. FRASIER: Okay.

5 GRAND JUROR: Ma'am.

6 MR. FRASIER: That's it.

7 GRAND JUROR: Thank you very much.

8 GRAND JUROR: Thank you. Happy birthday.

9 GRAND JUROR: Thank you.

10 THE WITNESS: Oh, I've already had that.

11 GRAND JUROR: That's for the next one.

12 (Laughter.)

13 THE WITNESS: No, there's going to be nine more.

14 **TESTIMONY OF ERIKA DAVIDSON**

15 (Witness sworn.)

16 BY MR. FRASIER:

17 Q. Ma'am, while I'm standing here, before I go over
18 and sit down, this is the grand jury for Coos County.

19 A. Okay.

20 Q. And they're looking into the disappearance and
21 death of Leah Freeman. It's obvious, but I got to tell you,
22 we're recording everything here today.

23 A. Okay.

24 Q. All right.

25 A. That's fine.

E. Davidson

1 Q. First of all, could you tell us your name and
2 where you live.

3 A. My name is Erika Anne Davidson, and I live in
4 Port Orchard, Washington.

5 Q. How long have you lived in Port Orchard?

6 A. Three years.

7 Q. Okay.

8 A. About.

9 Q. Do you know an individual named Bill Sero?

10 A. Yes, I do.

11 Q. How do you know Mr. Sero?

12 A. I have two children with him.

13 Q. Did you folks actually live together for a period
14 of time?

15 A. We lived together, probably, for -- (pause) --
16 probably six, seven years.

17 Q. And when you lived together, did you live
18 together here in Coos County?

19 A. Yes.

20 Q. When did you live in Coos County?

21 A. Well, I lived in Coos County pretty much all my
22 life until --

23 Q. Well, when did you move to Washington?

24 A. Um, 2005.

25 Q. 2005?

E. Davidson

1 A. No, 2007.

2 Q. 2007.

3 A. Yeah, sorry about that.

4 Q. And prior to that you lived here in Coos County?

5 A. I lived in Portland, Oregon, as well.

6 Q. Okay. Year 2000 --

7 A. '05 to '07.

8 Q. Okay. Year 2000, were you living here in Coos
9 County?

10 A. Yes.

11 Q. Did you actually live here in Coquille?

12 A. I did.

13 Q. Were you living with Mr. Sero at least for a
14 period of time in 2000?

15 A. Yes.

16 Q. When were you living together with Mr. Sero, and
17 where did you guys live?

18 A. We lived -- I don't remember name of the street.
19 It's -- I can't remember. It's across from the Little Devil
20 Restaurant now.

21 GRAND JUROR: Knott.

22 MR. FRASIER: Okay.

23 THE WITNESS: Up in that area.

24 GRAND JUROR: Knott Street?

25 THE WITNESS: Yep. Up off of there, and in some

E. Davidson

1 apartments.

2 BY MR. FRASIER:

3 Q. Okay. Sometimes referred to as Sanford Heights?
4 Okay.

5 A. I don't know.

6 Q. All right. Did you live there in that apartment
7 the whole year of 2000?

8 A. No. Actually, I didn't live there very long at
9 all.

10 Q. Okay. The summer of 2000, were you living there
11 at that time?

12 A. I don't -- I don't remember like what --

13 Q. Okay. Did you have a job?

14 A. Yes. I worked at the Mill Casino --

15 Q. Okay.

16 A. -- in North Bend.

17 Q. Now, did you ever meet or know Nick McGuffin?

18 A. Yes.

19 Q. How did you know Mr. McGuffin?

20 A. I met him through my brother, Ryan Davidson.
21 They all went to school together.

22 Q. Okay. Did you know Leah Freeman at all?

23 A. I didn't personally know her, but I worked -- I
24 knew who she was. I worked, um, with her dad when I think I
25 was like 15 or 16. And I knew Nick, so I knew that that was

E. Davidson

1 his girlfriend at the time.

2 Q. Okay. Did you ever see those two together?

3 A. I'm going to say probably. Maybe driving --
4 driving somewhere or something.

5 Q. Okay.

6 A. But we didn't -- we didn't --

7 Q. All right.

8 A. Yeah.

9 Q. Do you have any recollection of when Leah Freeman
10 disappeared? Do you remember which -- you know, this
11 happened towards the end of June, June 28th, 2000. Do you
12 have any recollection where you living with -- or where you
13 were living at that time, anything along that line?

14 A. Yeah. I was living here in Coquille.

15 Q. Okay.

16 A. Up on -- off Knott.

17 Q. Okay.

18 A. And then from there I moved to North Bend.

19 Q. Okay. And were you living with Mr. Sero when you
20 were living off of North Knott?

21 A. Yes.

22 Q. Okay.

23 A. Like I said, we didn't live there very long. Um,
24 I got evicted.

25 Q. Okay.

E. Davidson

1 A. I was at work one day, and some people were over,
2 and they were probably talking about things that were
3 inappropriate. And I came home from work and had an eviction
4 notice on my door.

5 Q. Okay.

6 A. So I -- like I said, we didn't live there very
7 long.

8 Q. All right. Now, you -- I'm sure you've heard the
9 rumor floating around town that Bill Sero and Tom Stemmerman
10 killed Leah Freeman. Is that --

11 A. I heard -- I've heard some -- something along
12 those lines, yeah.

13 Q. All right.

14 A. Melissa [sic] Michaud and, um, Tom Stemmerman.

15 Q. Okay.

16 A. And Bill Sero. Everybody said that -- that Bill
17 Sero was weird and acting weird and all that. So yeah, I
18 heard that.

19 Q. Okay. Well, you're living with him at the time.
20 Did he get weird on you?

21 A. Well, he was on methamphetamines.

22 Q. Okay.

23 A. So, to me, people that are on that are weird.

24 Q. Okay.

25 A. Act weird, you know.

E. Davidson

1 Q. Mm-hmm.

2 A. And he acted -- he --

3 Q. We've heard some testimony, I forget the lady's
4 name right off the top of my head, that had brought her kids
5 over to be baby-sat. And she puts it on the night that Leah
6 disappeared, and said you were home and Bill was home, and
7 you baby-sat for their children that evening. Do you -- does
8 that --

9 A. That I baby-sat her kids?

10 Q. Either you or Bill did, or both of you. I can't
11 remember the woman's name --

12 A. I don't --

13 Q. -- right off the top of my head.

14 A. That's 10 years ago, so it's like hard to -- but
15 I don't recall me baby-sitting anybody's kids.

16 Q. Okay. It was -- let me --

17 A. I had my own kids. I mean --

18 Q. Okay.

19 GRAND JUROR: Maybe it was a situation where you
20 guys --

21 GRAND JUROR: Where you switched off?

22 GRAND JUROR: Yeah.

23 THE WITNESS: I don't even remember that.

24 GRAND JUROR: You know, you watched her kids, and
25 she watched your kids.

E. Davidson

1 THE WITNESS: I don't remember that.

2 MR. FRASIER: Okay. Let me see if I can find it
3 real quick, and maybe we can --

4 (Pause.)

5 THE WITNESS: I know the only kid I really
6 watched was, uh, Gavin. Gavin. His mom was Heather --
7 Heather Landmark, maybe, was her name?

8 MR. FRASIER: Landmark --

9 THE WITNESS: That's the only kid I can think of
10 that -- that's because she lived by me, so I mean.

11 GRAND JUROR: McMullen?

12 THE WITNESS: Hmm?

13 GRAND JUROR: McMullen? That it? No?

14 MR. FRASIER: Landmark --

15 GRAND JUROR: Reid?

16 THE WITNESS: Hmm?

17 GRAND JUROR: Reid? Heather Reid?

18 THE WITNESS: Oh, I --

19 MR. FRASIER: Heather Reid.

20 THE WITNESS: Okay. I think I -- yeah.

21 MR. FRASIER: Nope, that's not the one that --

22 THE WITNESS: I know who that is.

23 GRAND JUROR: That's the first one.

24 GRAND JUROR: (Indiscernible.)

25 (Pause.)

E. Davidson

1 THE WITNESS: And I had -- I had day care for my
2 kids.

3 GRAND JUROR: Dave said it.

4 MR. FRASIER: Hmm?

5 GRAND JUROR: Dave said it.

6 THE WITNESS: I worked, they had day care.

7 (Indiscernible discussion.)

8 GRAND JUROR: Alicia Slag -- Slagle? Ameling?
9 Amelung? Alicia Amelung. Amelung, A-M-E-L-U-N-G. Dated
10 Nick in high school. Describes knew Bill Sero, baby-sitter.

11 THE WITNESS: Ashley.

12 GRAND JUROR: Ashley.

13 THE WITNESS: There was Ashley Amelung.

14 GRAND JUROR: Ashley. Yeah. She said you
15 baby-sat. You traded off baby-sitting.

16 THE WITNESS: Well, I don't think Ashley had kids
17 10 years ago. I think Ashley's --

18 GRAND JUROR: She baby-sat for you.

19 THE WITNESS: She might have. I --

20 GRAND JUROR: She's the girl that came over and
21 was the baby-sitter.

22 THE WITNESS: Might have --

23 GRAND JUROR: She would, yeah.

24 THE WITNESS: You know, I think --

25 GRAND JUROR: Angela Haga. Is that the one that

E. Davidson

1 traded off?

2 THE WITNESS: Oh, that's my girlfriend Angela.

3 Yeah.

4 GRAND JUROR: Okay.

5 THE WITNESS: But I don't remember --

6 GRAND JUROR: Ashley said she baby-sat for you.

7 THE WITNESS: She might have actually baby-sat
8 for me a couple of times in the day, though, because I
9 worked.

10 GRAND JUROR: Okay.

11 GRAND JUROR: That's right.

12 GRAND JUROR: She stated, Early evening Bill and
13 Erika were, uh, baby -- baby-sitting for me.

14 THE WITNESS: Okay. That might -- Angela, maybe.

15 GRAND JUROR: She was not sure if Bill was home
16 when I picked -- when she picked up the kids, Bill was
17 asleep.

18 THE WITNESS: I don't know, you guys.

19 GRAND JUROR: Yeah, that --

20 THE WITNESS: I don't remember.

21 GRAND JUROR: Who was that again? That was --

22 THE WITNESS: Angela was like my best friend,
23 and --

24 GRAND JUROR: Angela Haga, yeah.

25 THE WITNESS: -- her and I did do a lot of that.

E. Davidson

1 GRAND JUROR: Okay.

2 THE WITNESS: But not after I moved over here. I
3 don't remember.

4 GRAND JUROR: Okay.

5 GRAND JUROR: But that's who -- that's who --
6 BY MR. FRASIER:

7 Q. Yeah, it was Angela Haga. Yeah, those are my
8 notes too. So --

9 A. Yeah, we've -- her and I have known each other
10 for like 20 years. So maybe.

11 BY MR. FRASIER:

12 Q. Okay. Well, after Leah Freeman disappeared,
13 did -- well, I have this information. The McGuffin family --
14 well, do you know Bruce McGuffin or Kathy McGuffin?

15 A. I don't think so.

16 Q. That will be the parents of Nick McGuffin and
17 Wayne McGuffin.

18 A. No.

19 Q. Okay. They seem to have information that after
20 Leah disappeared, that Bill, while he was sleeping, would
21 have nightmares and would be screaming about how he killed
22 Leah, and he was having nightmares about what happened to
23 Leah. Do you know anything about that at all?

24 A. No. But like I said to you, when Bill does
25 drugs, Bill is weird, okay? I mean it. I -- meth does

E. Davidson

1 weird -- I'm not going to say that it does more to other
2 people than it does other people, but some people get
3 really -- it's like -- and you're uncomfortable to be around
4 them, or -- you know. It's just -- I don't ever, and I never
5 heard anything like that. And if I ever did hear anything
6 like that, I'm sure I probably wouldn't have kept my mouth
7 quiet.

8 Q. Okay.

9 A. I mean.

10 Q. How long were you with Mr. Sero where you guys
11 continued to live together after Leah Freeman disappeared?

12 A. We weren't.

13 Q. Okay. And when you say "weren't" --

14 A. We were no longer together. We moved out of the
15 apartment.

16 Q. Okay.

17 A. I went and got my own apartment --

18 Q. And he went his way?

19 A. -- in North Bend.

20 Yeah. And that's been that long ago.

21 Q. Okay. How long after Leah disappeared did you
22 move out?

23 A. It had to have been within the same -- because I
24 remember I told you guys I was at work one night, and it was
25 just -- it was all of that, like jumbled in. So it had to

E. Davidson

1 have been like within a week or so.

2 Q. Okay. We got your -- some of the stuff we have
3 there in the -- is your employment records from the --

4 A. Yeah.

5 Q. -- from the Casino. And the night that Leah
6 disappeared, you were not on the clock.

7 A. Right. I found that out, but I guess I was the
8 day before --

9 Q. Okay.

10 A. -- or something.

11 Q. All right.

12 A. It's hard to remember.

13 Q. Well, let me ask you this. Has -- did Bill Sero
14 ever tell you he killed Leah Freeman?

15 A. No.

16 Q. Did Tom Stemmerman ever tell you he killed Leah
17 Freeman?

18 A. No.

19 Q. Alicia Michaud, did she ever say she killed Leah
20 Freeman?

21 A. No.

22 Q. Do you know who Ricky Crook is?

23 A. I think Haley -- Haley -- if he's Haley and,
24 um --

25 Q. Heidi?

E. Davidson

1 A. Heidi's brother --

2 Q. Okay.

3 A. -- I know who he is. I don't know him.

4 Q. All right. Well, let me ask you this question.

5 I'll just put it to you this way. Has anybody told you that
6 they killed Leah Freeman?

7 A. No.

8 Q. Has anybody told you that they saw what happened
9 to Leah Freeman?

10 A. I was told that, um -- I was told that Nick --

11 Q. Okay. Now, that's --

12 A. I mean, you know, I was never told that
13 anybody -- I mean, I never heard it come out of anybody's
14 mouth that they did it.

15 Q. Okay.

16 A. I've just heard rumors. I guess that's all I
17 could say. Rumors from this person or that person.

18 Q. All right. I know this question is going to come
19 up, so I'm going to go ahead and ask you. How did Bill Sero
20 treat you?

21 A. Um, I'd say how we treated each other. Not good.

22 Q. Okay. For lack of a better term, was he a mean
23 SOB?

24 A. Not -- no. I mean, we had our fights, don't get
25 me wrong, but I probably beat up on him more than -- you

E. Davidson

1 know. It -- we were young. It was -- yeah. But no, he
2 never -- he wasn't like that.

3 Q. Okay. Do you have any information, first-hand
4 information about what happened to Leah Freeman that night?

5 A. No.

6 MR. FRASIER: I don't think I have any other
7 questions for Erika. Do you guys want to ask her anything?

8 GRAND JUROR: It was brought up in previous
9 testimony that Bill, when he would get high on meth, that he
10 would take you out to Lee Valley Road and drive along, and
11 drive real fast and stop and beat up on you, and -- and in
12 the same general vicinity of where Leah was found.

13 THE WITNESS: No, you know who that was,
14 actually? It wasn't Bill Sero, so somebody had their
15 information. Um, it was James Crabtree that did that. So.

16 GRAND JUROR: All this rumor starts --

17 THE WITNESS: And, no -- for -- for -- seriously,
18 I got -- I got a broken wrist from him. And I -- I just
19 found out it was broken six years ago. I mean that it got
20 broke six years ago. I had surgery the 20th. That was James
21 Crabtree, not Bill Sero.

22 GRAND JUROR: But he took you up there, to that
23 area?

24 THE WITNESS: James Crabtree?

25 GRAND JUROR: Yeah. I mean, the story -- the

E. Davidson

1 testimony that we got was that you were driven up to Lee
2 Valley Road and beat up up there, or something.

3 THE WITNESS: Yeah, that was by James Crabtree.

4 GRAND JUROR: In what year was this?

5 THE WITNESS: This was in 2000 -- um, '3? '4?
6 Let's see, I was 24, 25. I'm 32 Friday. And so --

7 GRAND JUROR: It's about 2004, maybe?

8 THE WITNESS: Mm-hmm. 2003, 2004. That was
9 James Crabtree, not Bill Sero. Like I said, I was probably
10 meaner to Bill Sero than he was to me.

11 GRAND JUROR: Were you doing drugs when you were
12 up there and that happened?

13 THE WITNESS: On Lee Valley Road?

14 GRAND JUROR: Yeah.

15 THE WITNESS: Was I doing drugs?

16 GRAND JUROR: Yeah.

17 THE WITNESS: Yes.

18 GRAND JUROR: Would you consider that area
19 someplace that drug users went in those days? Up that Lee
20 Valley Road area?

21 THE WITNESS: No. I know drug users used to go
22 down, um -- you know right when you're coming into town,
23 there's that Robin's Super Shine, there's the mill back
24 there? That road back down there used to be nasty. People
25 would go down there and drink and use drugs down there, but

E. Davidson

1 not up --

2 GRAND JUROR: Is that where the Mill Pond is?

3 GRAND JUROR: No, no, no. This is right up here
4 where the -- where the, uh --

5 THE WITNESS: Where mill --

6 GRAND JUROR: Where they have the -- you can get
7 gravel, sand, and stuff.

8 THE WITNESS: Isn't that a mill? Roseburg
9 Lumber?

10 GRAND JUROR: On the top there.

11 GRAND JUROR: That's Cedar Point.

12 THE WITNESS: Roseburg Lumber.

13 GRAND JUROR: Cedar Point, yes.

14 THE WITNESS: Yeah, yeah, yeah.

15 GRAND JUROR: The road out to Roseburg Lumber,
16 yes.

17 THE WITNESS: Yeah. That was a nast -- that
18 was --

19 GRAND JUROR: And who -- who would have -- who
20 would you say were people who would have frequented that?

21 THE WITNESS: Um, like, I don't know, I guess you
22 could say Gordy. Gordy, I don't even know his last name. I
23 didn't -- I didn't really have a lot of friends here.

24 GRAND JUROR: Yeah. But I mean, you know, you
25 say you know that people used that area as a place to do

E. Davidson

1 drugs.

2 THE WITNESS: Yeah.

3 GRAND JUROR: Behind the, what's now the --

4 THE WITNESS: Like, Areola (phonetic), those
5 guys.

6 GRAND JUROR: Did Bill go there?

7 THE WITNESS: No. Bill and I -- like I said, we
8 didn't really hang out over here until I moved over here.
9 And I wasn't here about long. I mean, I don't know. Maybe
10 he might have gone down there. I was never with him. But
11 not to my knowledge.

12 GRAND JUROR: Well, I mean, only reason I would
13 say that is if you say that you suspect or you know that that
14 was a drug use area, where you got -- where -- is there more
15 information that you can provide with that?

16 THE WITNESS: No. That --

17 GRAND JUROR: Just that you believe that was an
18 area?

19 THE WITNESS: Well, you could see. If you drove
20 down there, there was beer bottles --

21 GRAND JUROR: Mm-hmm.

22 THE WITNESS: There was this and that, you know.

23 GRAND JUROR: So, I mean. So you had been down
24 there yourself, before then?

25 THE WITNESS: Not down there doing that, no.

E. Davidson

1 GRAND JUROR: No, I know that. But I mean,
2 you -- what I'm trying to get at, that's all I'm saying, is
3 that what makes you --

4 THE WITNESS: Yeah, because my step-dad lives
5 right across up there in the, um, trailer --

6 GRAND JUROR: The trailer park?

7 THE WITNESS: Yeah. I've fished down there
8 before. Actually, I got a striper bass down there.

9 GRAND JUROR: So you're familiar with that area
10 behind the --

11 THE WITNESS: Mm-hmm.

12 GRAND JUROR: -- on the road down to Roseburg
13 Lumber.

14 THE WITNESS: Yeah. You could tell there was
15 paraphernalia and stuff all over the place.

16 MR. FRASIER: Okay.

17 GRAND JUROR: Can you describe the -- because I'm
18 just curious, because -- I mean, because of the location of
19 the crime and the fact that you were up there a few years
20 later with an individual, who -- what happened at that
21 instance?

22 THE WITNESS: That we ended up out there?

23 GRAND JUROR: Yeah, and he broke your wrist and
24 everything.

25 THE WITNESS: We were -- we were in an

E. Davidson

1 altercation at my step-dad's right acr -- up Cedar Point.

2 GRAND JUROR: Mm-hmm.

3 THE WITNESS: And he forced me in the car. And
4 when we got into the car, that's just -- I think he was
5 probably -- my step-dad said he was calling the cops. That's
6 what it was. And my -- that's -- he drove me out that way.
7 And then my brother had heard about it, and my brother
8 actually ended up driving up the hill, got me out of the
9 truck. And -- you know. And then I was arrested after that.
10 So, it wasn't anywhere we went to -- I mean, it isn't --
11 yeah, I think you get to Laverne Park up that way, don't you?

12 GRAND JUROR: What's that?

13 THE WITNESS: Okay. I mean, other than going to,
14 like, Laverne Park, or --

15 BY MR. FRASIER:

16 Q. Let me ask you this. I forgot to ask you this.

17 After Leah disappeared, I've got some notes here
18 that you told police that you saw -- well, how did you first
19 learn that Leah was missing?

20 A. I think it -- Nick at the -- um, I think it was
21 Safeway. I saw him down there. I was down there get --
22 probably getting groceries or something.

23 Q. All right. And how did -- what did Nick tell
24 you? What do you recall about that contact?

25 A. Um, I remember him saying that he couldn't find

E. Davidson

1 her, and he was acting really worried.

2 Q. Did you try to reassure him?

3 A. Well, I just said, I'm sure -- you know, Did you
4 guys get in a fight or something? You know, maybe she just
5 doesn't want to talk to you. I remember saying something
6 like that.

7 Q. You say something about, you know, she might be
8 at a friend's house --

9 A. I said -- yeah.

10 Q. -- and (indiscernible) her soon? That type of
11 stuff?

12 A. Something. I didn't think that she was dead, you
13 know.

14 Q. Did he seem really worried about her?

15 A. He seemed overly stressed to me. That's why I
16 asked, Well, did you guys get in a fight or something?

17 Q. Okay.

18 A. You know, and I only -- I knew Nick -- I had met
19 Nick a few times with my brother Ryan.

20 Q. Did you think it was strange that he seemed to be
21 so worried?

22 A. Yeah, like I said, because I didn't think she was
23 dead.

24 Q. Okay.

25 A. Or had been murdered, or -- you know.

L. McOwen

1 Q. You didn't think it was that big of a deal at
2 that time?

3 A. No.

4 MR. FRASIER: Okay. Thank you. That's -- that's
5 all I've got. Okay. You're done. You can go back to Port
6 Orchard.

7 THE WITNESS: Okay. Thank you.

8 GRAND JUROR: It's raining up there.

9 THE WITNESS: Yeah.

10 **TESTIMONY OF LISA McOWEN**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. This is the grand jury for Coos County. They're
14 looking into the disappearance of Leah Freeman.

15 And you saw me do it, but I've got to tell you
16 we're being recording, okay?

17 A. Yes.

18 Q. Could you tell us your name and your occupation,
19 please.

20 A. Lisa McOwen, and I'm an analyst with the
21 Department of Justice.

22 Q. How long have you worked there?

23 A. A little over four years.

24 Q. And an analyst. Could you tell the grand jury,
25 please, what type of things you do there as an analyst.

M. Davidson

1 never saw that.

2 GRAND JUROR: Thank you.

3 GRAND JUROR: In your opinion, was she capable of
4 defending herself with Nick? Was he somewhat --

5 THE WITNESS: Against a man that was four or five
6 years older than her? Probably not.

7 GRAND JUROR: Well, I mean --

8 THE WITNESS: I mean, if he really wanted it to
9 happen. I mean, I -- no. I would say no.

10 GRAND JUROR: Okay.

11 (Pause.)

12 MR. FRASIER: Any other questions?

13 Okay, sir. That will do it.

14 THE WITNESS: All right. Thank you.

15 GRAND JUROR: Thank you.

16 **TESTIMONY OF MEGAN DAVIDSON**

17 (Witness sworn.)

18 BY MR. FRASIER:

19 Q. Okay. First of all, this is the grand jury for
20 Coos County, and we're looking into the disappearance and
21 death of Leah Freeman. It's obvious, but I just need to tell
22 you we are recording the proceedings. Okay?

23 A. Okay.

24 Q. First of all, could you tell us your name and
25 where you live.

M. Davidson

1 A. I'm Megan Rae Davidson, and I live in Tacoma,
2 Washington.

3 Q. And did you live in the Coos County area in the
4 past?

5 A. I did.

6 Q. How long ago was it that you lived here?

7 A. Um, about two years ago.

8 Q. Okay. You left here about two years ago?

9 A. Mm-hmm.

10 Q. Were you living here in the year 2000?

11 A. Yes, I was.

12 Q. Did you go to high school here?

13 A. Yes, I did.

14 Q. Did you know an individual named Nick McGuffin?

15 A. Yes, I do.

16 Q. And how long did you -- have you known Nick?

17 A. I've known Nick since I was in seventh grade.

18 Q. Leah Freeman. Did you know Leah Freeman?

19 A. I did know Leah.

20 Q. And how did you know her?

21 A. I just know Leah from high school.

22 Q. Were you aware of Nick and Leah being
23 boyfriend/girlfriend?

24 A. Yes, I was.

25 Q. Did you have an opportunity to see these two

M. Davidson

1 together?

2 A. Yes, I did.

3 Q. How well did they get along?

4 A. Um, from what I've seen, they got along great. I
5 did get to witness an argument in Powers, Oregon. And, um,
6 when we all drinking and, uh, Leah and Nick got into a fight.
7 And she, uh, was hitting him, and I -- and he picked her up
8 over his shoulders and just carried her to the car and put
9 her to sleep.

10 And that's the only -- I didn't really hang out
11 with them much.

12 Q. Okay.

13 A. I was more friends with Nick, so.

14 Q. I'd like to go the night that Leah disappeared,
15 which was June 28th of 2000. Did Nick call you to ask you if
16 you'd seen Leah?

17 A. Yes, he did.

18 Q. Could you describe that conversation and how you
19 felt about it.

20 A. Um, well, it was really early in the morning.
21 And, um, to be honest, I don't -- I couldn't tell you what
22 time. I just know that it was really early, probably between
23 4:00 and 6:00 a.m. And, he -- I picked up my phone, and he
24 said, "Megan," and his voice sounded really shaky. And he
25 asked me if I had seen Leah. And I replied, "No, Nick. Why

M. Davidson

1 would I have seen Leah," because we have -- Leah and I never
2 hung out. It was --

3 Q. Okay.

4 A. -- me and Nick were friends.

5 And so I found it strange that he was asking me
6 if I'd seen Leah.

7 Q. Okay. Now, after -- well, a couple of weeks or
8 so after Leah disappeared, was Nick having problems with his
9 mom and dad?

10 A. Um, yes. I -- I do believe so. I can't remember
11 why. I think it was just the stress --

12 Q. Okay.

13 A. -- of the situation had gotten to the family.
14 And I can't exactly remember, you know, why they weren't
15 getting along.

16 Q. Okay. Did he actually move in with you and your
17 mother?

18 A. Um, he stayed with me and my mom, yes. For a
19 shorter period of -- not too long. I can't exactly remember
20 how long, but more than a week.

21 Q. Okay. While he was there, did he ask to engage
22 in sex with you?

23 A. Um, yeah. Well, we -- Nick and I have always had
24 a relationship like that, because we were boyfriend and
25 girlfriend.

M. Davidson

1 Q. Okay.

2 A. And, so -- I mean, I -- yeah.

3 Q. Okay. This was before Leah's body was found --

4 A. Mm-hmm. Correct.

5 Q. Okay.

6 A. And I, uh -- yeah.

7 Q. And so are you -- what did you say to him when he
8 was --

9 A. Well, I asked him. I was like, are -- Nick, you
10 know, are you sure you're ready? And he just replied, Yeah,
11 it's fine.

12 Q. And so you did have sexual intercourse with him?

13 A. Yes.

14 Q. Did Nick ever tell you anything about what he
15 thought happened to Leah?

16 A. No. I don't remember Nick ever bringing anything
17 up about -- I'm -- he just got really weird afterwards. And
18 I -- I honestly don't remember him ever saying anything to me
19 about it.

20 Q. Okay. Did you or do you know Kristen Steinhoff?

21 A. Yes, I do.

22 Q. And you have been friends with her, best friends
23 since seventh grade?

24 A. Yes.

25 Q. Okay. And you had a falling-off about -- she was

M. Davidson

1 using methamphetamine pretty often; is that correct?

2 A. Mm-hmm.

3 Q. Do you know if she -- if Kristen and Nick hung
4 out together?

5 A. Yes.

6 Q. Do you know if they used methamphetamine
7 together?

8 A. I can't say for -- I've never seen them do it,
9 but yes.

10 Q. How do you know that?

11 A. Well, because they're -- Kris -- that's all
12 Kristen ever did, and -- and Nick got into it really bad, and
13 I'm pretty sure that's the only reason why those two would
14 have hung out.

15 Q. When was Nick into methamphetamine pretty bad?

16 A. Um --

17 Q. In relation to Leah's disappearance? Before?
18 After? During?

19 A. Well, I know before their relationship we'd all
20 messed around with it, you know, just trying it out. And
21 then some of us didn't go back, and some of us did. And Nick
22 was one of them that did go back after Leah's disappearance.

23 Um, I've never seen him do it, but I know Nick
24 and he just was never the same. And he was ghost-white, and
25 skinny, and hanging out with Kristen. So that right there

M. Davidson

1 gives me --

2 Q. Okay. All right.

3 Now, after he'd been initially interviewed by the
4 police, I think this year, you called him back in May and
5 wanted to talk to him about a car that Kristen Steinhoff had.
6 Could you tell the grand jury about that.

7 A. Well, I just -- I had asked the police if they
8 ever -- you know, they were asking me about, um, Nick's
9 Mustang, and Nick's Thunderbird, and -- and I just said,
10 Well, what about the purple Hyundai that Kris -- that was
11 Kristen's car? And I know Nick drove it around a lot, and
12 then Kristen also drove it around, and she got pulled over
13 all the time because they knew it was her and she wasn't
14 legal to drive. But I just thought that maybe, since it --
15 the purple car had never been brought up, maybe it should
16 have been brought up. Because, you know, maybe it -- you
17 know.

18 Q. Okay. All right. That car, did that -- I think
19 you also told the police that the car was often broke down
20 and not very reliable.

21 A. Right. It was broke down a lot.

22 Q. Okay. I've been asking this of a lot of
23 witnesses, so I'll ask you this. Has anybody told you that
24 they killed Leah Freeman?

25 A. No.

M. Davidson

1 Q. Has anybody told you that they saw what happened
2 to Leah Freeman?

3 A. Um, I -- Alicia Michaud would get drunk and
4 say -- say she knew what happened, but she would never get
5 into detail with me.

6 Q. Okay.

7 A. I personally think she was looking for attention,
8 um, because I think if she knew something, then -- but nobody
9 has ever -- no --

10 Q. Okay.

11 A. -- just blatantly said, you know.

12 Q. Is there anything else that we haven't talked
13 about here today that you think the grand jury needs to know?

14 A. I don't think so. I wish I could be more help, I
15 know that.

16 Q. Okay.

17 A. Because 10 years is a long time and -- you know.

18 Q. Okay. Any other questions?

19 GRAND JUROR: How well did Alicia and Nick get
20 along together?

21 THE WITNESS: Alicia?

22 GRAND JUROR: Yeah. And Nick.

23 THE WITNESS: I -- I don't know. I don't even
24 know how -- I'd never even seen Nick and Alicia hang out,
25 honestly. It -- Alicia was into the meth also. So, you

M. Davidson

1 know, everybody just kind of falls into, you know,
2 communicating in our small little town, you know.

3 I -- but I honestly don't remember Alicia and
4 Nick ever being friends and hanging out, one on one.

5 GRAND JUROR: Did you ever meet Nick's parents?

6 THE WITNESS: Mm-hmm. I know them really well.

7 GRAND JUROR: Did -- had you been to their -- and
8 so you've been to their house?

9 THE WITNESS: Mm-hmm.

10 GRAND JUROR: Was drug use -- marijuana prevalent
11 use there?

12 THE WITNESS: Yes.

13 GRAND JUROR: So kids could come and go and use
14 marijuana there?

15 THE WITNESS: Um, yes. I'm not -- I've never
16 been out there and used marijuana while his parents were at
17 the home. But we used to go out there, yes, and smoke.

18 GRAND JUROR: Okay. Did --

19 THE WITNESS: I know his mom doesn't use.

20 GRAND JUROR: Did Nick and his -- you say Nick
21 had a falling-out a couple weeks after. He never said what
22 drove -- what that was about?

23 THE WITNESS: No. I just assumed it was his
24 girlfriend was missing, you know. I -- and meth, and
25 alcohol.

M. Davidson

1 GRAND JUROR: Did --

2 THE WITNESS: I just assumed it was stress,
3 and --

4 GRAND JUROR: They didn't -- they didn't call
5 your parents -- how were your parents with that situation?
6 With him being there?

7 THE WITNESS: Well, my parents are -- were
8 divorced. My dad, the other day, was asking, What was your
9 mother thinking? And I think it was just that my mom really
10 had a lot of respect for Nick. And I think she felt bad for
11 him because she would have never let anybody else move into
12 my home. But, um, back then, apparently my mom was okay, but
13 my dad would have never been okay with a male living in my
14 house. I was only 16, 17. So.

15 GRAND JUROR: Was the McGuffin house known among
16 the kids as a place to hang out? A place to get -- how --

17 GRAND JUROR: A safe house.

18 GRAND JUROR: -- a safe house? Yeah. Was that
19 ever, you know -- kids would go there to get away from their
20 parents for a while --

21 THE WITNESS: No.

22 GRAND JUROR: -- or anything like that?

23 THE WITNESS: No. Not that I'm aware of.

24 GRAND JUROR: What is your opinion of Nick's mom
25 and dad?

M. Davidson

1 THE WITNESS: My opinion of Nick's mom and dad is
2 they're great people. I've -- I've, you know. His mom, I
3 know, is the sweetest person. Um, you know, his dad was
4 always really nice. I've never seen anything, you know --
5 never seen them fighting, or anything like that. As far as I
6 know, they're just really normal, you know.

7 GRAND JUROR: Did you know Wayne?

8 THE WITNESS: Mm-hmm.

9 GRAND JUROR: What's your opinion of Wayne?

10 THE WITNESS: I do not like Wayne, whatsoever.

11 GRAND JUROR: And for what reason?

12 THE WITNESS: Well, because he's -- how do I put
13 this? Force -- he -- he's really touchy-feely, and he's
14 forceful. Like my -- my friend Darla, you guys have already
15 talked to her. He actually pinned her down. One night we
16 were down at the bars, and this was -- obviously we were 21.
17 And they went outside, and he was trying to kiss Darla, and
18 Darla didn't want anything to do with it, and he actually
19 held her down and gave her hickeys on her neck.

20 And Wayne has always given me the creeps. I will
21 never be alone in the same room with Wayne because he just
22 gives me that vibe. I don't know if it was because he -- you
23 know, he never got a lot of attention from females. So he
24 kind of forced it, I think, you know? I --

25 GRAND JUROR: And most of your time you were

M. Davidson

1 around Wayne was while you were dating -- or while you were
2 hanging with Nick, though?

3 THE WITNESS: Yeah. Yeah, and I've hung out --
4 Wayne hangs out with a lot of my other friends too. So, you
5 know, it's a small town. We all party together and all end
6 up in the same area.

7 GRAND JUROR: Did you ever get the sense that
8 Nick was looked on more favorably by his parents than Wayne
9 was?

10 THE WITNESS: No. I -- I think they were equal.
11 I think -- I mean, I didn't live in the home with them, but,
12 you know, they all -- you know, when they turned 16 they both
13 got cars. And, you know, their dad spent a lot of time with
14 them working on vehicles and stuff like that. I would say
15 that they treated them equally. I couldn't see them not.

16 GRAND JUROR: What kind of car did Wayne get?

17 THE WITNESS: Well, I just remember -- it was
18 a -- well, Wayne's out of town, of course. (Laughs.)

19 GRAND JUROR: Uh-huh.

20 THE WITNESS: I don't know when he was 16.
21 When -- I remember, he had a Thunderbird, and a pickup. An
22 old little pickup. And all kinds of cars, he went through
23 them. As did both of the boys.

24 GRAND JUROR: When you saw the blue Thunderbird
25 that Nick had, were you --

M. Davidson

1 THE WITNESS: The Mustang?

2 GRAND JUROR: The Mustang, excuse me. Were you
3 familiar with it?

4 THE WITNESS: Mm-hmm.

5 GRAND JUROR: Did you see -- was it all decked
6 out and finished on the inside?

7 THE WITNESS: Yes. But I do know that there was
8 a question about the trunk, and I do know that that was taken
9 out because there was a gas leak. I do know that for a fact
10 because we would sit in the car, and when you're driving you
11 would get high off of the fumes.

12 GRAND JUROR: Mm-hmm.

13 THE WITNESS: So I know that they -- that was an
14 issue, and they were working on that.

15 GRAND JUROR: But before --

16 GRAND JUROR: So there wasn't a bed liner or a
17 trunk liner or anything?

18 THE WITNESS: No. I don't -- I never remember
19 there being a trunk liner in there. But honestly, I never
20 really, you know, paid that much attention.

21 GRAND JUROR: You're a girl.

22 THE WITNESS: Yeah. And I just -- I do know that
23 there was gas problems, and I do know that they were working
24 on trying to fix it. So.

25 GRAND JUROR: Did he keep a lot of stuff in his

S. Hamilton

1 trunk?

2 THE WITNESS: I don't think so. I don't think
3 so. Nick's a really clean person. His cars were always
4 really tidy, so I wouldn't think so. But I never seen, so.

5 MR. FRASIER: Any other questions?

6 GRAND JUROR: Were the McGuffins the type of
7 parents that would do anything for their kids?

8 THE WITNESS: I would think to a certain extent.
9 But I don't think if they thought that their son had
10 something to do with this, that they would, you know -- I
11 don't think that they would hide it. I -- I don't think.
12 But I don't know.

13 I know I'm a mother, and if my son, you know, was
14 accused of doing something like this, I would definitely have
15 to tell somebody. I don't think that I would, you know --
16 that Leah is somebody's daughter. So, I don't -- I hope that
17 they would.

18 MR. FRASIER: Okay. Anything else?

19 Okay. You're done and free to go.

20 GRAND JUROR: Thank you.

21 THE WITNESS: Bye.

22 GRAND JUROR: Thank you.

23 **TESTIMONY OF DENNIS "SCOTT" HAMILTON**

24 (Witness sworn.)

25 BY MR. FRASIER:

D. Dennis

1 Okay. That will do, sir.

2 THE WITNESS: Thank you.

3 GRAND JUROR: Thank you.

4 GRAND JUROR: Get back to work. (Laughter.)

5 **TESTIMONY OF DONNA DENNIS**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. First of all, ma'am, this is the grand jury for
9 Coos County, and they are investigating the disappearance and
10 death of Leah Freeman. I've got to tell you that we're
11 recording everything here today.

12 A. Okay.

13 Q. All right. First of all, could you tell us who
14 you are and what city you live in.

15 A. My name is Donna Dennis, and I live in Coquille.

16 Q. How long have you lived in Coquille, ma'am?

17 A. Since 1972.

18 Q. And I take it you have some grandchildren?

19 A. Yeah, a lot of them.

20 Q. Okay. You have one named Mike Dennis?

21 A. Yes, I do.

22 Q. The reason I've asked you here, ma'am, is I have
23 information that you were picking up your grandson Mike at
24 Coquille High School in the year 2000, and you saw an
25 incident in the parking lot.

D. Dennis

1 A. Yes, I did.

2 Q. Could you tell the grand jury what you saw, what
3 happened?

4 A. Yeah. I was sitting in the car waiting for
5 Michael. He did not have his driver's license yet, so it was
6 one of those things. And I happened to glance up and see a
7 couple walking across the far end of the parking lot where
8 the hurricane fence is around the high school.

9 And they were arguing, you could tell. They were
10 back and forth and back and forth, and I was kind of watching
11 because it was kind of amusing. And all of a sudden they got
12 to this car, and he grabbed her. And that set up my radar
13 because when I was 19 years old I was badly beaten by a man I
14 was living with, repeatedly. So I don't like physical
15 contact.

16 And he pushed her up against the side of the car.
17 And instantly her demeanor changed. She folded her arms and
18 had her head down, and that to me was, you know, not a good
19 sign. And then he opened the car door, and he was still
20 yelling at her, and pushed her in the car.

21 Well, about that time Michael came to the car.
22 And I said, You should have seen what happened over there.
23 And he looked up and saw the car and went, Ah, that's nothing
24 new. I said, Well, it's not acceptable.

25 And so -- and I'll be honest with you, I think at

D. Dennis

1 the time I had a cell phone. You have a cell phone for so
2 long, you forget when you first got it. But I did call the
3 school, and I told them there was a situation in the parking
4 lot that they needed to handle.

5 Michael at the time did not tell me anybody's
6 name. I had no clue who was involved. It wasn't long after
7 that that Leah disappeared. And Michael came home, and I was
8 telling him that it had come across the news that this young
9 lady had disappeared. And I knew Leah's name. In a town
10 this size, if any of you are from here, you kind of know all
11 the kids your kids have known and gone to school with, and
12 school plays, Christmas programs. So I didn't know Leah
13 directly, but I knew her name and I knew the Freemans' name.

14 And so I said something to Michael, and I said, I
15 just don't remember what Leah looks like. And he goes, Well,
16 you saw them in the parking lot. And I went, What? And he
17 goes, That's who was in the parking lot fighting with her
18 boyfriend. And I went, You're kidding me? And he goes, No,
19 that's who it was.

20 So that's the only reason I knew it was Leah.

21 Q. Okay. It's what Mike told you.

22 A. Yes.

23 Q. And based on what Mike was telling you, the boy
24 would have been Nick McGuffin?

25 A. Yes, I believe that's his name. All he said was

D. Dennis

1 that's her boyfriend and they fought all the time.

2 Q. All right.

3 A. And then he went on to say a whole bunch of other
4 stuff, but --

5 Q. Okay.

6 A. -- that's all hearsay.

7 Q. Do you recall what kind of car it was?

8 A. Now, I thought it was either a Mustang or Camaro.
9 I -- you know --

10 Q. Yeah.

11 A. -- I don't remember. I'm old. And I -- I wasn't
12 really sure. But I --

13 Q. Do you remember what color it was?

14 A. No, I really don't.

15 Q. Okay.

16 A. I couldn't say. I just got -- when I saw the
17 car, they were walking towards it. I thought, well, that's
18 kind of a nice car. You know, kids these days have a lot
19 nicer cars than we did when we were kids. But, yeah. So.

20 Q. All right.

21 A. That's about it.

22 MR. FRASIER: All right. Thank you.

23 That's all the questions I have for her.

24 Does the grand jury wish to ask her any
25 questions?

D. Dennis

1 GRAND JUROR: When he grabbed her and pushed her
2 up against the car, she didn't fight back?

3 THE WITNESS: No. She folded her arms and put
4 her head down. And remembering from my days, I knew that
5 that was a sign of giving up. You argue, and then if you
6 think you're going to get hit, you come into yourself.

7 I'm no expert. I'm just saying that's --

8 MR. FRASIER: That's how you reacted?

9 THE WITNESS: Yeah. That's how I reacted. It
10 was -- it -- you know, you'd sass back, but if he reacted,
11 you --

12 GRAND JUROR: Backed down.

13 THE WITNESS: -- folded in on yourself and were
14 submissive so you didn't get hit.

15 MR. FRASIER: I don't think -- anything else you
16 want to ask her?

17 GRAND JUROR: I don't think so.

18 MR. FRASIER: Okay, ma'am.

19 THE WITNESS: All righty.

20 MR. FRASIER: That will do it.

21 THE WITNESS: Thank you.

22 GRAND JUROR: Thank you.

23 GRAND JUROR: Thank you.

24 MR. FRASIER: Thank you.

25 GRAND JUROR: Thank you.

T. Ekblad

1 hope you find who did it.

2 GRAND JUROR: Thank you.

3 GRAND JUROR: Thank you.

4 **TESTIMONY OF TOSHA EKBLAD**

5 (Witness sworn.)

6 BY MR. FRASIER:

7 Q. First of all, ma'am, this is the grand jury for
8 Coos County and they're looking into the disappearance and
9 death of Leah Freeman.

10 A. Yes, sir.

11 Q. It's obvious, but we're recording everything in
12 here today.

13 A. Okay.

14 Q. All right. First of all, could you tell us your
15 name, please, and where you live.

16 A. My name is Tosha Tyee (phonetic) Ekblad, and I
17 live at 718 F Street, Space No. 30, Coos Bay, Oregon 97420.

18 Q. The reason I have you here today is three or four
19 weeks ago, or several weeks ago, I was given a note by Bruce
20 McGuffin. Do you know a Bruce McGuffin?

21 A. No, sir.

22 Q. Saying that apparently you knew what happened to
23 Leah Freeman.

24 A. I don't mean to roll my eyes at you, it's just
25 um, kind of, uh, odd. Because the only thing -- am I allowed

T. Ekblad

1 to say, or were you just going to ask me questions? I'm
2 sorry.

3 Q. Well, I guess my next question is what do you
4 know?

5 A. Um, honest to God, I don't know anything
6 first-hand, just what everybody in Coos County is saying.

7 Q. Okay.

8 A. I've heard from probably at least 120, 150
9 people, at least -- and that's probably an understatement,
10 that Billy Sero and Tommy Stemmerman did it. That's all I've
11 heard. That's all I've heard.

12 Q. That's all you've heard? Okay.

13 A. But -- but --

14 Q. Okay.

15 A. -- I did find out the other day, and I called
16 Officer Webley --

17 Q. Yes?

18 A. -- and gave him a name. Um, supposedly -- and
19 like I said, I don't know if this is true or not. Carmen
20 Kahn (phonetic), I guess, knows the whole story from start to
21 finish. And so I gave him that name. But that's all I know.
22 I don't know anything first-hand, honest to God. And that
23 Carmen person didn't tell me that.

24 Q. Okay.

25 A. It's just through this, that the --

T. Ekblad

1 Q. All right. Well, I want to back up a little bit
2 with you, and talk with you about -- after I got the note,
3 the police went to talk to you. And just so we're clear, you
4 had told, I believe it's your mother or your grandmother or
5 both of them, that you were also aware of a guy named David
6 Breakfield, and something about being run off the road by
7 Nick McGuffin with Megan Edgerton. Was that you?

8 A. No.

9 Q. Okay.

10 A. But, Jesse Smisek.

11 Q. Oh, Jesse Smisek.

12 A. He is -- uh, said that it happened, something
13 like that happened to him.

14 Q. Okay.

15 A. He was telling my mother and my grandmother. I
16 was there, but I was in the house.

17 Q. Okay.

18 A. I have a little baby that just turned 11 months
19 and I have a 10-year-old. Anyway, I heard part of the story,
20 but I didn't -- he did say that Nick, I guess, had run him
21 off the road, but I don't know this David Breakfield person.
22 I've never met Nick McGuffin, or anything. But he said he
23 knows him real well, and that he's a real, real strange
24 person. But I've never met him. I can't judge his character
25 in any way.

T. Ekblad

1 Q. Okay. All right. Well, what I want to get to is
2 this: Mr. McGuffin, Bruce McGuffin, came in front of the
3 grand jury last week and told the grand jury that you had
4 been threatened by the police, that you had been told by the
5 police that if you didn't tell a particular story that you
6 were going to go to prison --

7 A. That's not true.

8 Q. Okay.

9 A. That is not true. I swear.

10 Q. Have you ever talked to Bruce McGuffin?

11 A. No, sir.

12 Q. Never been to his house?

13 A. I -- no, sir.

14 Q. If I remember his testimony correctly, he said
15 you were out at his house last week telling him that the
16 police had been mistreating you.

17 A. I swear on my children I have never met this
18 person, I've never met Nick McGuffin, I never -- the only
19 person that I know that knows those people or is related to
20 them is a -- her name's Julie. She works at Save On Smokes
21 in Bunker Hill. I guess she is a relative of Nicholas -- or
22 Nick McGuffin's mom. I think it's her sister, I believe.

23 Q. Okay.

24 A. No. That is not true. I don't even know where
25 they live.

T. Ekblad

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1 Q. Okay.

2 A. Gee.

3 Q. My question to you is this: Has anybody
4 threatened you to lie in here today?

5 A. No. No. I've only talked to two officers,
6 Officer Webley and his partner. I can't remember his name.

7 Q. McNeely.

8 A. They have never threatened me or anything. That
9 is not true. They've been -- we've been out in the hall
10 talking. They've been more than polite. And professional.
11 That is a damn lie, pardon my French.

12 Q. Okay.

13 A. That is not true.

14 Jesus. What people won't say.

15 MR. FRASIER: Now -- (Laughter.)

16 GRAND JUROR: Tell us about it. (Laughter.)

17 BY MR. FRASIER:

18 Q. Just so we're clear, nobody's told you that they
19 killed Leah Freeman?

20 A. No, sir. No.

21 Q. Nobody's told you that they were there and saw
22 what happened?

23 A. No. No, sir.

24 Q. You weren't involved in this at all?

25 A. I didn't live in the state at the time. But, no.

T. Ekblad

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1 No, sir.

2 Q. Okay.

3 A. I'm -- I swear. I -- I don't think this is
4 funny. I feel horrible, and I wish to God I could help. But
5 no. Honestly, everybody keeps saying that those two
6 gentlemen did it.

7 Q. Yeah.

8 A. That's the only thing that I have heard.

9 And Bruce McGuffin, that is wrong. And I wish I
10 could do something because he shouldn't be able to get away
11 with that.

12 MR. FRASIER: Okay. I don't think I have
13 anything else to ask her.

14 THE WITNESS: Jesus. (Laughter.)

15 MR. FRASIER: Careful.

16 GRAND JUROR: Be careful.

17 THE WITNESS: I'm sorry.

18 MR. FRASIER: You're being recorded.

19 GRAND JUROR: Don't say anything incriminating,
20 now.

21 THE WITNESS: No, but come on.

22 MR. FRASIER: Okay. Anything else?

23 THE WITNESS: If they were going to threaten
24 somebody, they would surely threaten somebody more important
25 than I am.

A. Hyatt

1 MR. FRASIER: All right. Anything else? No.
2 You're free to go.

3 THE WITNESS: Thank you, sir. You guys have a
4 nice day. Thank you for your time.

5 GRAND JUROR: Thank you.

6 THE WITNESS: Jesus.

7 **TESTIMONY OF ALICIA HYATT (HARTWELL)**

8 (Witness sworn.)

9 BY MR. FRASIER:

10 Q. Okay. Alicia -- you're Alicia Hartwell.

11 A. Yes. It's Hyatt now.

12 Q. Hyatt, yeah.

13 A. Yes.

14 Q. Hartwell previously. You testified a couple
15 weeks ago here at the grand jury.

16 A. Yes, I did.

17 Q. The reason I had you come back is after you
18 testified, you had talked -- if I remember your testimony
19 correctly, you had seen Leah walking by the high school the
20 night she disappeared.

21 A. Yes.

22 Q. And you had described a car that had pulled up or
23 had turned a u-turn or something, and came around behind the
24 van you were in.

25 A. And it had stopped. It was following behind us.

A. Fisher

1 GRAND JUROR: In 2000.

2 THE WITNESS: In -- in 2000, did I know that
3 Bruce used meth? No.

4 GRAND JUROR: Did you smoke pot with both kids?

5 THE WITNESS: Yeah. Yeah.

6 GRAND JUROR: You never went to school or
7 anything with any of these people?

8 THE WITNESS: With any of the McGuffins?

9 GRAND JUROR: Yeah.

10 THE WITNESS: No.

11 (Pause.)

12 MR. FRASIER: Okay. Anything else?

13 GRAND JUROR: That's all I've got.

14 MR. FRASIER: All right. You're done.

15 GRAND JUROR: Thank you for all your --

16 GRAND JUROR: Pleasure.

17 THE WITNESS: I'd like to thank you all for your
18 time in this. Hopefully, I won't have to come back.

19 (Laughs.)

20 GRAND JUROR: We hope so too.

21 MR. FRASIER: Okay.

22 THE WITNESS: Thank you so much.

23 **TESTIMONY OF AUSTIN FISHER**

24 (Witness sworn.)

25 BY MR. FRASIER:

A. Fisher

1 Q. First of all, sir, this is the grand jury for
2 Coos County, as we're looking into the disappearance and
3 death of Leah Freeman. I need to tell you, it's obvious, but
4 I -- we've got two recorders going on here, so --

5 A. Okay.

6 Q. -- you're being recorded here today.

7 First of all, could you tell us your name,
8 please, sir, and where you live.

9 A. Austin Fisher. Coquille, Oregon.

10 Q. And Mr. Fisher, did you know Leah Freeman?

11 A. Yes, I did.

12 Q. How did you know Leah?

13 A. Um, we were pretty good friends in middle school.
14 We -- you know, middle-school-style dated for about two or
15 three months.

16 Q. All right. Did you make an acquaintance with
17 Nick McGuffin?

18 A. Yeah.

19 Q. Okay. Now, when you were middle-school dating,
20 as you put it, Leah, what grade were you in? Do you recall?

21 A. Um, it was the summer out of eighth grade going
22 into our freshman year.

23 Q. Okay. And were you still going with her, so to
24 speak, when you started your freshman year?

25 A. Yeah, for about a month.

A. Fisher

1 Q. Then you broke up?

2 A. Yeah.

3 Q. Okay.

4 A. Well, whatever. Yeah.

5 Q. Okay. Separated?

6 A. Yeah.

7 Q. Okay. At some point in time did Leah then start
8 dating Nicholas McGuffin?

9 A. Mm-hmm.

10 Q. Got to say yes or no, please.

11 A. Yes, yes.

12 Q. Okay.

13 A. Yes, he did.

14 Q. Thank you.

15 Did you have any contact after you began -- well,
16 after Nick began dating Leah, did you have any contact with
17 Nick, or did he come and talk with you about Leah or things
18 along that line?

19 A. Yeah. He was really jealous of me because, like
20 I said, you know, me and her kind of dated before. So he,
21 you know, didn't like me, in particular, really talking to
22 her at all. Still probably doesn't like me particularly.

23 Q. Okay. Did he talk to you about staying away from
24 Leah?

25 A. Yeah, he threatened to beat me up one time if I

A. Fisher

1 talked to her or whatever, but --

2 Q. Would he scream at you?

3 A. Um, I don't know if he screamed at me. But yeah,
4 I guess he yelled at me once.

5 Q. Did he use foul language?

6 A. Oh, yeah.

7 Q. Did he ever threaten to kill you?

8 A. Not that I remember.

9 Q. I was looking at your statement back in August of
10 2001. It says that, you know -- "I asked Austin to tell me
11 how Nick threatened him, and he explained Nick would scream
12 at him, using foul language, and threatened to kill him."

13 A. Well, yeah. I mean, it's been 10 years, so.

14 Q. Okay.

15 A. Um, I know he would yell at me, and I don't know
16 if -- I know he threatened to, you know, beat me up a lot,
17 but I don't know --

18 Q. Yeah.

19 A. He might have said, I'll kill you, you know,
20 but --

21 Q. Okay.

22 A. -- I don't --

23 Q. But that was -- he was saying, Stay away from
24 Leah or I'm going to --

25 A. Yeah. Pretty much, yeah.

A. Fisher

1 Q. All right. I've been asking these questions of
2 everybody. Has anybody ever told you that they killed Leah
3 Freeman?

4 A. No.

5 Q. Has anybody told you that they saw what happened
6 to Leah?

7 A. No.

8 Q. Okay. Outside of what we talked about here
9 today, do you have any other information about this case that
10 you think the grand jury should know?

11 A. Not that I can think of, no.

12 Q. Okay.

13 A. I don't really know anything that would help in,
14 you know --

15 Q. All right.

16 A. -- like that matter, I guess.

17 Q. Okay.

18 A. I mean, I've heard rumors, the same thing
19 everybody else does, but --

20 Q. Okay.

21 GRAND JUROR: When you did talk to Leah, after
22 she met Nick, did she talk to you about Nick? What did she
23 say?

24 THE WITNESS: Um, she did, but she got awful, you
25 know, short with everybody when she started hanging out with

A. Fisher

1 Nick. He was pretty controlling and, uh, she didn't --
2 really nobody ever -- she isolated herself a lot. And so I
3 didn't really get to see her --

4 GRAND JUROR: So, she kind of went along with
5 what he wanted?

6 THE WITNESS: Yeah, she did.

7 (Pause.)

8 MR. FRASIER: Okay. Any other questions?

9 GRAND JUROR: How about the relationship when you
10 seen them together?

11 THE WITNESS: Most of the time they were
12 fighting. They -- they argued a lot, and there was always
13 screaming. There was never an argument; it was always
14 screaming back and forth. So it was either one extreme to
15 the next, you know. They're either hugging and kissing,
16 lovey-dovey, or they're just screaming at each other. It
17 was -- you know? So.

18 (Pause.)

19 GRAND JUROR: Did you see any physical fighting
20 between the two of them? Like slapping, hitting?

21 THE WITNESS: Um, I've seen, you know, where he
22 would come up to her yelling and then she'd push him away and
23 stuff like that, and then he'd try to grab her and then she'd
24 push away. Just, you know, things like that. But nothing
25 like -- never any fists or nothing. Uh, no, I didn't. I

M. Davidson

1 never saw that.

2 GRAND JUROR: Thank you.

3 GRAND JUROR: In your opinion, was she capable of
4 defending herself with Nick? Was he somewhat --

5 THE WITNESS: Against a man that was four or five
6 years older than her? Probably not.

7 GRAND JUROR: Well, I mean --

8 THE WITNESS: I mean, if he really wanted it to
9 happen. I mean, I -- no. I would say no.

10 GRAND JUROR: Okay.

11 (Pause.)

12 MR. FRASIER: Any other questions?

13 Okay, sir. That will do it.

14 THE WITNESS: All right. Thank you.

15 GRAND JUROR: Thank you.

16 **TESTIMONY OF MEGAN DAVIDSON**

17 (Witness sworn.)

18 BY MR. FRASIER:

19 Q. Okay. First of all, this is the grand jury for
20 Coos County, and we're looking into the disappearance and
21 death of Leah Freeman. It's obvious, but I just need to tell
22 you we are recording the proceedings. Okay?

23 A. Okay.

24 Q. First of all, could you tell us your name and
25 where you live.

G. Grisham

1 THE WITNESS: What I'm making reference to is the
2 activity in underage drinking, underage tobacco use, drug
3 use, the selling of drugs, the use of drugs on campus. And
4 providing minors -- even though they were minors themselves,
5 the providing minors with tobacco and alcohol and drugs.

6 GRAND JUROR: Okay.

7 GRAND JUROR: That's it.

8 GRAND JUROR: That's it for me.

9 MR. FRASIER: Mr. Mercer, I believe that's all
10 the questions we have for you. Thank you for coming in and
11 going to the DA's office there to help us out here. We
12 appreciate you appearing and testifying here today.

13 THE WITNESS: Well, I'm glad to do it. And --
14 and please know that I am -- I am sorry that I could not make
15 the trip and be there in person. But if there is anything
16 that I can do to -- to help the people of Coquille in this
17 situation, please let me know, and I will try to make myself
18 available as best as I possibly can.

19 MR. FRASIER: All right. We appreciate that,
20 sir. Thank you, and we'll turn off the recordings at this
21 time.

22 **TESTIMONY OF GEORGIA GRISHAM**

23 (Witness sworn.)

24 BY MR. FRASIER:

25 Q. Ma'am, this is the grand jury for Coos County,

G. Grisham

1 and they're looking into the disappearance and death of Leah
2 Freeman.

3 A. Yes.

4 Q. Okay?

5 A. Okay.

6 Q. We're recording everything. I got to tell you,
7 we're recording.

8 A. Okay.

9 Q. Okay?

10 A. That's okay.

11 Q. All right. So, first of all, could you tell us
12 your name and where you live.

13 A. I'm Georgia Grisham, and I live out at Fairview,
14 in Coquille here. I have for 44 years.

15 Q. Okay. Somebody told me today you're 91. Is that
16 right?

17 A. Yeah, that's right. I was 91 the 4th of July.

18 MR. FRASIER: All right.

19 GRAND JUROR: Yeah, all right.

20 GRAND JUROR: Congratulations.

21 GRAND JUROR: Congratulations.

22 GRAND JUROR: Celebrated at 90-year-old thing
23 downtown, here?

24 THE WITNESS: Sir?

25 GRAND JUROR: Were you celebrated at the -- that

G. Grisham

1 thing down at City Hall?

2 THE WITNESS: No. I stayed home. (Laughter.)

3 No, I'll take it back. I went and played bingo.

4 GRAND JUROR: Oh, okay. (Laughter.)

5 BY MR. FRASIER:

6 Q. Well, I hear you like to play bingo a lot.

7 A. I do.

8 Q. Okay.

9 A. That's my vice.

10 Q. Your vice is bingo. Okay.

11 Ma'am, ten years ago Leah Freeman disappeared.

12 A. Yes.

13 Q. And I have information that on the night that she
14 was last seen, which I think was June 28th, 2000, you were
15 coming back from bingo that night.

16 A. That's right.

17 Q. Okay. Where were you playing bingo that night?

18 A. At the casino.

19 Q. Over in Co -- in Coos Bay?

20 A. In Coos Bay, yes.

21 Q. All right. Do you recall what time in the
22 evening it was when you were coming back?

23 A. Well, the best I can remember, I think it was a
24 little after 10:00. Just a few minutes after 10:00. Because
25 they got out usually around a quarter to -- to 10:00. And

G. Grisham

1 it -- it took me that time to come over.

2 Q. Okay. So you drove straight back from --

3 A. Yes, I did. I always do.

4 Q. Okay. Didn't stop at the grocery store or get
5 gas or --

6 A. No.

7 Q. -- anything like that?

8 A. No.

9 Q. Okay. Now, I've been told that you saw Leah
10 someplace?

11 A. Yes. As I was heading from Coos Bay, up there by
12 Roseburg Lumber, there was a car parked, and there was two
13 people. I don't -- I can't remember if they were men or
14 women, because it was dark. But there was two people, I
15 remember that.

16 And when I came on down and turned on the road
17 there, West Central, to come home out to Fairview, why, this
18 girl come just real fast right across, staggered right out
19 across there in front of me, and all -- I almost hit her. If
20 I hadn't have been on my best behavior and watching what I
21 was doing, I would have hit her. But I wheeled over to the
22 left side of the road, because she came right off of that
23 post there, that says "Welcome to Coquille Oregon" on it.
24 Big post. There's a great big long pole there. And that's
25 where she came across that.

G. Grisham

1 And the only thing I could think of,
2 what maybe -- what happened, what I thought of at the time,
3 well, maybe that those people out there had broke down and
4 sent her to get help. That's the only thing I could think
5 of. But I thought, My God, why would they send her when they
6 could go -- one of them go theirsself, you know.

7 And then I come on home, and I was shaking so
8 badly, just, I just -- I just was like that. I was scared to
9 death because I almost hit her, like I said. If she had been
10 another two or three feet ahead, I would have hit her.

11 Q. Okay.

12 A. I couldn't have missed her. But I didn't hit
13 her, thank God.

14 Anyway, I went home. And my husband is always in
15 bed by that time, but he was up. And I said -- he said,
16 What's the matter with you? And I said, You know, I just
17 almost hit a young girl tonight. And he said, What? Where?
18 And I told him. And he said, Well, what was she doing out
19 there? I said, I don't know, but she just come a-staggering
20 right out in front of me there, come across there. And I
21 said I just had to whip real hard to keep from hitting her.

22 Q. Okay.

23 A. And I said I didn't want to hit nobody, and he
24 said, No, you don't. So I went to bed, but I didn't do too
25 much sleeping that night, I'll tell you.

G. Grisham

1 Q. Okay. Now, did you know prior to this -- are you
2 okay?

3 A. What?

4 Q. Are you okay?

5 A. Yes.

6 Q. Let me get some kleenex.

7 A. Do I know her? No, I didn't know her. (Crying.)

8 Q. You didn't know her?

9 A. I never saw the girl before.

10 Q. Okay.

11 A. So, when it came out in the paper, that was Red
12 said, Well, do you want to call the cops and tell them? And
13 I said no. But when it came out in the paper there, the next
14 day --

15 Q. Mm-hmm.

16 A. -- I said, By God, that's the girl I almost hit.
17 And he said, Well, we'll go down there and you
18 can report it down at the -- town. So we came down to the
19 courthouse, and it was all -- it was closed. So I said,
20 Well, I'll go over to the City Hall. And I went over to the
21 City Hall, and I took the policeman out there and showed him
22 exactly where she was at.

23 And I don't remember if I told him then, that
24 day, or not about the people that I saw up there with the rig
25 parked up there, because it was dark and I just -- because I

G. Grisham

1 come around the -- the road there, I saw them parked there.
2 But I don't know -- I couldn't swear if it was men, women, or
3 both. I don't have any idea. But I do know that there was
4 two people by that -- out setting out by that vehicle.

5 And so I showed the guy that. And so then it's
6 been -- was -- oh, it must have been a couple of months or
7 so, they wanted me to come back in, and I went and I took
8 these cop -- city policeman out there again, and showed him
9 exactly what -- where I had seen it and everything.

10 Q. Okay.

11 A. And where it was at, and what -- where it --
12 where she was at, and where I saw the -- the rig up there and
13 the people with it.

14 And that's all that -- and then I -- the -- here,
15 a while back, the -- I didn't think any more about it. I
16 mean, well, every time I go by there, I see her running out,
17 cutting -- you know, coming out across. Every time I turn in
18 there, I see that person.

19 Q. All right.

20 A. And --

21 Q. Do you remember what she was wearing that night?

22 A. It was dark, and the light is across the street
23 over there.

24 Q. All right.

25 A. And it didn't show up very much. I just saw --

G. Grisham

1 you know, when something happens that quick, you don't have
2 time to take a good look at what people are wearing or
3 anything. But, it was -- to me, like, it seemed like it was
4 something kind of dark. I don't remember. I really couldn't
5 tell you about that.

6 Q. Okay.

7 A. But then later on, here -- well, not too long
8 ago, a policeman, I think from Bandon, and the state
9 police --

10 Q. Okay.

11 A. -- came down to the restaurant. I was down here
12 at the restaurant, at the Devil's Kitchen. And they wanted
13 to talk to me. And I said, What have I done now? You know,
14 just something like that, you know? And he said, Nothing, it
15 was pertaining to that Freeman case.

16 Q. Okay.

17 A. And I said, Well, I'll tell you just exactly what
18 I've told everybody else.

19 Q. Okay.

20 A. And that's all I did.

21 Q. All you can tell us.

22 A. Yeah.

23 Q. All right.

24 A. That's what I remember, and that's -- but like I
25 said, every time I go turn on road, I see that person.

G. Grisham

1 Q. Okay.

2 A. You know, it's there.

3 Q. All right. Anything else that you know about
4 this case?

5 A. No, not anything else. I don't know anything
6 else. I don't know the people or anything.

7 Q. Okay.

8 A. And the -- but --

9 GRAND JUROR: Do you remember the kind of rig
10 that was -- do you remember the kind of car that was by --
11 that the two guys were by?

12 THE WITNESS: No. It was dark. It was dark up
13 there where they were parked. You know where that -- the
14 retaining -- or the cup -- the guard, guardrail did all the
15 way around? Well, they were parked right in there. There's
16 a wide spot right there at the kind of end -- at the end of
17 that. And that's where the car was parked. And I just
18 come -- you know, when you're driving you don't pay attention
19 to what's off to the side. The only thing, I did see two
20 people.

21 MR. FRASIER: Right.

22 THE WITNESS: And I couldn't swear if my life
23 depended on it if they were men or women or both. Now, I
24 could not tell you. Or their -- but they were there that
25 night.

G. Grisham

1 MR. FRASIER: Right.

2 THE WITNESS: And that's all I --

3 GRAND JUROR: You said this was about what time?

4 THE WITNESS: A little after 10:00, because it's

5 around 10:30 when I get home. And I don't know exactly what

6 time they close over there at the, you know, at the Mill.

7 At --

8 GRAND JUROR: And you live out in Fairview a

9 little ways?

10 THE WITNESS: Yes. I live 10 miles out.

11 GRAND JUROR: Oh, okay.

12 THE WITNESS: And I -- it usually takes me about

13 15 to 20 minutes to get out there, if I drive sensible.

14 GRAND JUROR: Yeah.

15 THE WITNESS: Let's put it that way.

16 GRAND JUROR: (Indiscernible.)

17 THE WITNESS: Sometimes I don't drive very

18 sensible.

19 GRAND JUROR: So, did -- oh, I'm sorry.

20 GRAND JUROR: No, go ahead, Ruth. Go ahead.

21 GRAND JUROR: So did you think it was the young

22 lady that you hit? Did you think it was a girl that you hit?

23 THE WITNESS: Yes, it was -- yes, it was a girl.

24 Yes. Because I -- she was right in front of me. She was

25 close as me to you.

G. Grisham

1 GRAND JUROR: Could you --

2 THE WITNESS: When I --

3 GRAND JUROR: -- see what color her hair was?

4 THE WITNESS: Huh?

5 GRAND JUROR: Could you see what color her
6 hair --

7 THE WITNESS: Honey, I didn't take time to look
8 at nothing. I said, Oh --

9 GRAND JUROR: Okay. But you think it was a
10 little girl?

11 THE WITNESS: -- and I -- all I was thinking was,
12 get away; don't hit her. Hit it, you know.

13 GRAND JUROR: Okay.

14 THE WITNESS: That's the only thing I was
15 thinking about.

16 GRAND JUROR: Now, this -- I'm just trying to
17 place it all together. This was just before you turned to --

18 THE WITNESS: I had just turned off the road --
19 highway, in the turn-around there. And you -- you can go out
20 there and look.

21 GRAND JUROR: Right by the Econo-Rooter and --

22 THE WITNESS: Huh?

23 GRAND JUROR: Right by Maytag, at the time.

24 GRAND JUROR: The Econo-Rooter and stuff, that's
25 right there?

G. Grisham

1 THE WITNESS: Yeah. Right across there, yes. I
2 had turned off the highway, and just made my turn and come
3 around. And I just got up on the West Central there --

4 MR. FRASIER: Right.

5 THE WITNESS: -- when the -- she came just
6 darting out, right -- right by that -- by that pole.

7 GRAND JUROR: What was she doing --

8 GRAND JUROR: Now I've got it.

9 THE WITNESS: Huh?

10 GRAND JUROR: What did she do? Was she just
11 crossing the street, or was she like indicating -- trying to
12 get you to stop?

13 THE WITNESS: Sir, I couldn't tell you if she
14 was -- if she was trying to get out in the road, or what. I
15 mean, I really couldn't tell you. Because the only thing I
16 was thinking about was don't hit that person. You know, how
17 you -- something like that. Because --

18 MR. FRASIER: Right.

19 THE WITNESS: -- God knows you don't want to hit
20 somebody.

21 GRAND JUROR: Oh, yeah.

22 THE WITNESS: Because I've had a couple weirdos
23 trying to stop me at night, going home.

24 GRAND JUROR: Yeah. Yeah.

25 THE WITNESS: And I've always managed to get away

G. Grisham

1 from them because -- and I keep my rig always locked when I'm
2 driving. I always lock my car. So, that's -- it's --

3 GRAND JUROR: The vehicle with the two
4 individuals, that was past that little Cedar Point -- now
5 it's called Cedar Point Industrial Park --

6 THE WITNESS: Well, no. Now, listen --

7 GRAND JUROR: So, you're down the hill from that,
8 right?

9 THE WITNESS: You know where the -- at the end of
10 the -- there's a guardrail that goes up on the side of the
11 road, all the way up there to -- to where they all make
12 them -- that -- there's big draw piles and things in there
13 now.

14 GRAND JUROR: Yeah, right. Exactly.

15 THE WITNESS: Okay. And it was right there. The
16 rig was parked right at the end of the --

17 GRAND JUROR: The guardrail.

18 THE WITNESS: Those guard-ways, there. Right off
19 the road, yes.

20 GRAND JUROR: How far away was the girl from the
21 car?

22 THE WITNESS: Oh, it's quite a ways down there.

23 GRAND JUROR: Oh, okay.

24 THE WITNESS: And that's what made me think,
25 well, why would you send someone -- that's the only thing I

G. Grisham

1 could think of. They had broke down or something, and was
2 sending somebody that -- to get help. And I thought, well,
3 that don't make sense either, this time of the night. Where
4 would you go? You know.

5 But it's -- it's -- it's weird. It was weird. I
6 mean, it's something that I hope never happens to me again.
7 Let's put it that way. Because it's something that I -- I
8 don't want to go through again, let's put it that way.

9 MR. FRASIER: Mm-hmm.

10 THE WITNESS: Because, like I said, I never turn
11 onto that road now, but what I don't see her, right there.

12 GRAND JUROR: But you saw enough of her so that
13 when her -- when a picture of Leah was in the paper, you
14 recognized that person?

15 THE WITNESS: Yes. I did just the minute that I
16 saw her. I said, Red, that's the girl that I almost hit.

17 MR. FRASIER: Okay.

18 THE WITNESS: And he said, Well, we go in and
19 report that. So we went right in to the courthouse, and
20 they -- it was closed, so I went over to the City Hall and
21 reported it.

22 (Pause.) And so -- and I had took the cops out
23 there two different times to show them.

24 GRAND JUROR: Now, was the -- you said the Mill
25 Casino. Was it the Mill Casino, or was it somewhere else?

G. Grisham

1 Where did you play bingo at?

2 THE WITNESS: At the Mill Casino.

3 GRAND JUROR: The Mill? Really?

4 THE WITNESS: They used to play bingo there.

5 GRAND JUROR: Oh, okay.

6 THE WITNESS: All the time. Yep. I played there
7 day and night, probably. (Laughter.)

8 GRAND JUROR: Well --

9 THE WITNESS: Shouldn't tell that, but --

10 (Laughter.)

11 GRAND JUROR: Thank you.

12 MR. FRASIER: Okay. Anything else?

13 THE WITNESS: Well, I told them --

14 GRAND JUROR: When you drove by them, did you put
15 those two together; the car with the two people standing near
16 it, and the girl?

17 THE WITNESS: Well, you know, after it came --
18 after that came out, I did. I kind of -- could they have
19 been up there waiting on her?

20 GRAND JUROR: Could they have been related? But
21 you say there was some distance between them, so it's --

22 THE WITNESS: Yeah, there's quite a bit of
23 distance. Yes.

24 GRAND JUROR: Was there anything else that made
25 you think that -- like she knew that there were two people

G. Grisham

1 there, or they knew that she was there?

2 THE WITNESS: No. No. Huh-uh.

3 GRAND JUROR: Okay.

4 THE WITNESS: But it just --

5 GRAND JUROR: I mean, it's late at night.

6 There's not many people walking.

7 THE WITNESS: Yeah, at late at night, and you're
8 wondering. Why would there be two people up there, and then
9 her coming this way? Just --

10 GRAND JUROR: Okay.

11 THE WITNESS: -- you know. That's what --
12 because I couldn't figure out who it was or anything. Well,
13 I didn't know, you know, or anything. And, like I'd -- as
14 far I'm concerned, I had never seen the girl before in my
15 life. But it just -- right there. And it's still there.
16 And it'll probably always be there. But -- anyway. But I --
17 to the best of knowledge, my knowledge, I have told you all
18 that I can -- can tell. I mean it.

19 GRAND JUROR: When she -- I assume that the girl
20 saw you at some point?

21 THE WITNESS: Huh?

22 GRAND JUROR: The girl saw you driving at some
23 point. Did she try to get off the road? She just ran there?
24 Or she just kept coming?

25 THE WITNESS: No, she just kept coming right at

G. Grisham

1 me, straight at me. What --

2 GRAND JUROR: Was she trying to flag you down?

3 THE WITNESS: No, huh-uh.

4 GRAND JUROR: Okay.

5 THE WITNESS: But I -- the only thing I thought
6 maybe was that, when I turned, my lights might have blinded
7 her. But I -- because -- well, she wasn't walking normal.
8 Let's put it that way. Walking or running normal, whatever
9 you want to say. It wasn't normal, on trans -- moving.

10 GRAND JUROR: Staggering, or --

11 THE WITNESS: Huh?

12 GRAND JUROR: Was she staggering, or what was --

13 GRAND JUROR: It kind of looked like she was --

14 GRAND JUROR: Weaving?

15 THE WITNESS: Weaving, or something.

16 GRAND JUROR: Like she was (indiscernible.)

17 THE WITNESS: I don't know exactly what you would
18 say, how it would be. But she wasn't -- well, I don't know
19 exactly how to say it because it was -- she wasn't coming
20 right straight at me, you know. But, it just -- but all I
21 could think of was getting that car out of the way, and I --

22 GRAND JUROR: Sure.

23 THE WITNESS: I was driving a Chevy van.

24 GRAND JUROR: Did you -- did you -- did you think
25 to stop? Did you clear her by enough that you realized you

G. Grisham

1 did not hit her?

2 THE WITNESS: Yeah, I knew I hadn't hit her. I
3 knew I hadn't hit her.

4 GRAND JUROR: Okay. That's what I mean. Yeah.
5 So, you had no reason to pull over or stop or --

6 THE WITNESS: No. No. Huh-uh. I did not.

7 GRAND JUROR: It just scared you real bad.

8 THE WITNESS: It just scared the H out of me,
9 I'll tell you. It really did. And -- but, I was -- I shook
10 all the way home. I don't know how I ever drove home, to be
11 truthful with you. Because it -- it was so exasperating, you
12 know, to come so close to hitting somebody, and not. But no,
13 I did not hit her. I --

14 GRAND JUROR: Well, yeah. I -- I understand.

15 THE WITNESS: Yeah.

16 GRAND JUROR: It's been -- you know, I thought
17 maybe --

18 THE WITNESS: Yeah. No.

19 GRAND JUROR: -- you thought you had hit her.

20 THE WITNESS: Huh-uh. No. But like I said, I
21 was driving a Chevy van.

22 GRAND JUROR: Mm-hmm.

23 THE WITNESS: And --

24 GRAND JUROR: Okay.

25 THE WITNESS: So, just -- oh.

E. Davidson

1 MR. FRASIER: Okay. Any other questions?
2 THE WITNESS: Anybody else want to know anything?
3 I can tell you if I can.
4 MR. FRASIER: Okay.
5 GRAND JUROR: Ma'am.
6 MR. FRASIER: That's it.
7 GRAND JUROR: Thank you very much.
8 GRAND JUROR: Thank you. Happy birthday.
9 GRAND JUROR: Thank you.
10 THE WITNESS: Oh, I've already had that.
11 GRAND JUROR: That's for the next one.
12 (Laughter.)
13 THE WITNESS: No, there's going to be nine more.

14 **TESTIMONY OF ERIKA DAVIDSON**

15 (Witness sworn.)

16 BY MR. FRASIER:

17 Q. Ma'am, while I'm standing here, before I go over
18 and sit down, this is the grand jury for Coos County.

19 A. Okay.

20 Q. And they're looking into the disappearance and
21 death of Leah Freeman. It's obvious, but I got to tell you,
22 we're recording everything here today.

23 A. Okay.

24 Q. All right.

25 A. That's fine.

S. Hamilton

1 trunk?

2 THE WITNESS: I don't think so. I don't think
3 so. Nick's a really clean person. His cars were always
4 really tidy, so I wouldn't think so. But I never seen, so.

5 MR. FRASIER: Any other questions?

6 GRAND JUROR: Were the McGuffins the type of
7 parents that would do anything for their kids?

8 THE WITNESS: I would think to a certain extent.
9 But I don't think if they thought that their son had
10 something to do with this, that they would, you know -- I
11 don't think that they would hide it. I -- I don't think.
12 But I don't know.

13 I know I'm a mother, and if my son, you know, was
14 accused of doing something like this, I would definitely have
15 to tell somebody. I don't think that I would, you know --
16 that Leah is somebody's daughter. So, I don't -- I hope that
17 they would.

18 MR. FRASIER: Okay. Anything else?

19 Okay. You're done and free to go.

20 GRAND JUROR: Thank you.

21 THE WITNESS: Bye.

22 GRAND JUROR: Thank you.

23 **TESTIMONY OF DENNIS "SCOTT" HAMILTON**

24 (Witness sworn.)

25 BY MR. FRASIER:

S. Hamilton

1 Q. Okay. First of all, this is the grand jury for
2 Coos County and we're looking into the disappearance and
3 death of Leah Freeman. It's obvious, but I need to tell you,
4 we are recording what's going on in here today. Okay?

5 A. Yep.

6 Q. First of all, could you tell us your name,
7 please, and where you live.

8 A. My name is Dennis Scott Hamilton, and I live in
9 Coquille, Oregon.

10 Q. And you commonly go by your middle name, Scott?

11 A. Yeah, I go by Scott, but Dennis is my first name.

12 Q. All right. Sir, do you know an individual named
13 Nick McGuffin?

14 A. Yes, I do.

15 Q. How well do you know him?

16 A. Well, we've gone to school since the third grade,
17 so I know him pretty well.

18 Q. Leah Freeman. Did you know Leah Freeman?

19 A. I knew her. I didn't really hang out with her a
20 whole lot. I mean, we went to prom with her together and all
21 that, but other than like hanging out with her, I didn't hang
22 out with her or nothing.

23 Q. When you say you went to prom together, what do
24 you mean by that?

25 A. Well, me and my girlfriend at the time and Nick

S. Hamilton

1 and Leah, we all went to prom together.

2 Q. And that would have been the year 2000?

3 A. Yeah.

4 Q. And that was the year Nick graduated?

5 A. Yeah.

6 Q. Okay. Did you graduate in 2000?

7 A. Yes, I did.

8 Q. Okay.

9 A. Barely, but I did. (Laughter.)

10 Q. All right. Ben, my son, graduated the same year?

11 A. Yeah. We all -- we wrestled together and
12 everything in the fall.

13 MR. FRASIER: Yeah, I know. I can't remember.
14 Okay.

15 GRAND JUROR: (Indiscernible.)

16 MR. FRASIER: All right.

17 BY MR. FRASIER:

18 Q. Well, I want to talk about -- well, first of all,
19 could you tell us, how did -- from what you could see, how
20 well did Nick and Leah get along?

21 A. They got along good in my eyes, you know. Yeah,
22 they fought just like any couple does, but I never seen
23 anything that would make me worry.

24 Q. Okay. Well, let's talk about the night that Leah
25 disappeared, which would have been June 28th, 2000. Did you

S. Hamilton

1 see Nick that night?

2 A. I didn't talk to him personally, but I did see
3 him.

4 Q. Where did you see him?

5 A. I seen him at Kristen Steinhoff's house.

6 Q. Okay. And at the time -- who were you dating at
7 that time? Was it Melissa Smith?

8 A. Yeah, I -- I was dating her at the time.

9 Q. Okay. And you were also kind of getting
10 interested in Kristen Steinhoff?

11 A. Yeah, I was being a bad kid.

12 Q. All right. On the night that Leah disappeared,
13 you saw Nick and Kristen together over there at Kris -- at
14 her house?

15 A. Yeah, they were at her house.

16 Q. Did you kind of sneak up on a window and
17 eavesdrop on them?

18 A. Yes, I did.

19 Q. And why'd you do that?

20 A. Well, I always went through her window.

21 Q. Okay. (Laughter.)

22 A. It was just what I did.

23 Q. All right.

24 A. I just happened to catch Nick in there, and so --

25 Q. Okay. (Laughter.)

S. Hamilton

1 A. I just stood there quietly. (Laughter.)

2 Q. All right. Well what, if anything, did you hear
3 while you were standing outside the window?

4 A. The only thing I heard was Nick saying that he
5 needed help with something, and he needed her help. He said
6 that a couple times, repetitively, and then they both left in
7 his car. So, that's when I just went home.

8 Q. Okay. What car was that?

9 A. His Mustang.

10 Q. Did you ever show yourself to them that night?

11 A. No, I did not.

12 Q. Now, later on, did you have a conversation with
13 Nick about what had happened with Leah that night, where
14 she'd been, and so forth? Where he'd dropped her off, and so
15 forth?

16 A. I've never talked to Nick about how that all
17 happened.

18 Q. Okay.

19 A. He -- he asked me if I'd -- like, the next day,
20 if I'd seen Leah last night or anything like that. I said,
21 No, I didn't see her.

22 Q. Okay.

23 A. You know.

24 Q. Well, the reason I was asking that, there was
25 something in the history reports about him telling you that

S. Hamilton

1 he'd gone to pick her up at Cheri Mitchell's, and he actually
2 did pick her up and then dropped her off at McKay's.

3 A. He -- he did say something about he was -- well,
4 see that's the part that I can't remember, you know. It's
5 been a while.

6 Q. Okay.

7 A. But we talked about that he was -- she was --
8 Leah was wanting to go to Cheri's, and went out from -- what
9 I remember is Nick didn't want her to go to Cheri's.

10 Q. Okay.

11 A. So, from there I remember him saying something
12 about dropping her off at McKay's, but I don't remember Leah
13 already being there. I thought Nick was supposed to take her
14 there.

15 Q. Okay. I just want to look at something real
16 quick here.

17 GRAND JUROR: Were you pretty sure that Nick
18 wasn't happy about her going?

19 THE WITNESS: Yeah, I'm pretty -- I'm sure about
20 that. I knew Nick was mad about it, because Nick wanted to
21 hang out with her and Leah wanted to go hang out with her
22 friend, and --

23 GRAND JUROR: Mm-hmm.

24 THE WITNESS: -- Nick was all mad about it.

25 BY MR. FRASIER:

S. Hamilton

1 Q. Well, while I'm looking at this -- I can't seem
2 to find it real quick, but there was a -- about a week after
3 Leah disappeared, did Nick ask you -- or after Leah's body
4 had been found, did Nick ask you to go for a ride?

5 A. Yeah. He picked me up at Fast Mart.

6 Q. Okay. Where'd you go?

7 A. He -- he didn't tell me where we were going, but
8 he ended up taking me down Lee Valley Road, where they found
9 her body at.

10 Q. And what happened when you got there?

11 A. He -- we drove down the road a little ways, right
12 close to where the old Boy Scout camp was down there, and he
13 parked on the left side of the road, and we got out. And I
14 was like asking him what we were doing, and he was real quiet
15 and acting kind of weird.

16 And we walked back down the road a little bit
17 where you can look down in the ravine, and he kept talking
18 weird about how he could see her laying down there by this
19 rock. And he's -- this certain boulder. He just kept
20 pointing at it, acting real weird.

21 And that's when I was like, You know, Nick, I
22 don't know what happened. I mean, I -- you know, I'd like it
23 if you took me back to town, because I don't really want to
24 hang around you right now because you're acting kind of
25 strange.

S. Hamilton

1 Q. Okay. And did he say anything like wishing he
2 could have helped her?

3 A. He -- yeah. He said -- he said he would -- he
4 wished he could have helped her, and he -- he's talking about
5 how he could -- it's like he could picture her laying there,
6 which it really made me feel weird.

7 Q. Okay. Now look at this here. I found what I was
8 looking for. You were interviewed by the police about what
9 you knew about the case. Is that right?

10 A. Yes, I was.

11 Q. Okay. And I'm just going to read to you what the
12 police put in their report. We'll see if this jogs your
13 memory.

14 "Hamilton said once when he began wondering if
15 McGuffin might have had something to do with Freeman's
16 disappearance, Hamilton said he came out and asked
17 McGuffin to his face if he had anything to do with it.
18 According to Hamilton, McGuffin denied anything and
19 offered a brief explanation. Hamilton said McGuffin
20 told him that he was supposed to pick up Freeman at
21 Cheri Mitchell's house, but had been late and Freeman
22 had already left. Hamilton said McGuffin told him that
23 he found Freeman walking, and picked her up in his car,
24 then began arguing with her. According to Hamilton,
25 McGuffin said that Freeman wanted out of the car, and he

S. Hamilton

1 let her out near McKay's."

2 Do you recall telling the police that?

3 A. I don't remember saying that -- anything about
4 Nick picking her up there, because I thought it was the other
5 way around. I thought Nick was supposed to be dropping her
6 off there, and he didn't want to.

7 Q. Okay.

8 A. But that's when I told them when they talked to
9 me a month ago, or two months ago, or whenever it was.

10 Q. All right. Well, did the police try to have you
11 do a phone call to Nick and get him to say what we just
12 talked about here today?

13 A. The only thing that he said when I called him is
14 he told --

15 Q. Well, I don't want to get into what he said
16 there, okay? But I just -- I mean, the police clearly
17 thought that you were telling them that Nick picked her up
18 after she left Cheri's, right? That's why they were having
19 you make the phone call.

20 A. They were having me make the phone call to see if
21 he'd say anything --

22 Q. Okay.

23 A. -- that would make him look --

24 Q. All right.

25 A. -- guilty of it, which in my eyes he kind of did.

S. Hamilton

1 Q. Well, never mind.

2 Okay. Now -- (Pause.)

3 Did you ever hear from Nick that Bill Sero was
4 the one that killed Leah?

5 A. No, I've never heard Nick say anything like that.
6 You know, to be honest, Nick didn't really say anything about
7 it.

8 Q. Well, I'm having a little problem here, Scott,
9 because I'm looking at the reports.

10 It says here, "Hamilton told me that
11 approximately two weeks prior to Freeman's body being
12 found, he recalls McGuffin saying that Bill Sero was
13 responsible for her disappearance."

14 A. Well, I didn't say that, so --

15 Q. How did you say --

16 A. -- I'm sure I'd remember.

17 Q. "Hamilton said that it seemed like he was
18 throwing it out there because everyone was looking at
19 him. Hamilton did not recall McGuffin giving any
20 details, just mentioning it."

21 A. I don't remember Nick ever saying anything about
22 Bill, ever. I mean, lots of people did say stuff about Bill,
23 but I don't even hardly know Bill, so.

24 Q. Okay. Well, let me ask you these questions.

25 Has anybody told you that they killed Leah

S. Hamilton

1 Freeman?

2 A. No.

3 Q. Has anybody told you that they saw what happened
4 to Leah Freeman?

5 A. No.

6 Q. Is there anything else about this case that you
7 think the grand jury should know about?

8 A. The phone call when I called Nick.

9 Q. Well, we can't get into that. Okay?

10 A. The fact that Nick's dad confronted me at the
11 smoke shop.

12 Q. Okay. Tell us about that.

13 A. Uh, I don't know if it's three weeks, I guess. A
14 month ago, maybe?

15 Q. Okay. What happened?

16 A. I was going to stop at the smoke shop to get a
17 pack of cigarettes, before I --

18 Q. This is the smoke shop over in Coos Bay?

19 A. Coquille -- no, Coquille.

20 Q. Oh, here in Coquille.

21 A. Yeah, right here in Coquille.

22 And I walked in there, and I was -- I was at the
23 counter buying my pack of cigarettes and I heard someone say
24 my name. And they sounded kind of grumpy. So I looked up,
25 and there was Bruce.

S. Hamilton

1 And, you know, we had known each other for a long
2 time, so I was like, "Hey Bruce," you know, "what's up?"

3 And he looks at me, all mad, and he's all, "I
4 don't know, you fucking tell me."

5 And I was like, "Life's a struggle and money
6 makes the world go round." And he didn't say nothing else to
7 me, and I left. And when I came back in there the next
8 morning, Greg said he was just talking about me trying to set
9 him up or something. And Greg's the one that owns the store,
10 so.

11 Q. Okay.

12 A. But he was talking about -- going off about how I
13 was trying to set him up and whatever else. And like Greg
14 said, he was finally making himself look all guilty or
15 something, so I was -- that's all that was said to me. But I
16 thought that was weird. I don't know why he'd say anything
17 to me.

18 Q. Okay.

19 A. But that's the only weird thing that's happened.

20 MR. FRASIER: All right.

21 GRAND JUROR: The district attorney asked you if
22 you knew who had killed Leah, or had anybody said anything
23 about it. And I guess the last one, that he didn't ask, was
24 did you kill Leah Freeman?

25 THE WITNESS: No, I did not.

S. Hamilton

1 GRAND JUROR: Do you know Wayne McGuffin?

2 THE WITNESS: Yeah, I know Wayne.

3 GRAND JUROR: What -- would you describe Wayne to
4 me, in your opinion?

5 THE WITNESS: In my opinion?

6 GRAND JUROR: Yeah.

7 THE WITNESS: A mouthy son of a bitch.

8 GRAND JUROR: You don't like Wayne.

9 THE WITNESS: No, I don't. Never have.

10 GRAND JUROR: Did -- how much older was he than
11 Nick?

12 THE WITNESS: A year. A year and a half. I
13 think he was only a class or two ahead of us.

14 GRAND JUROR: Ahead of you. Uh-huh. Did he --
15 how was his relationship, as far as you know?

16 THE WITNESS: Brothers. Fought all the time.

17 No, I guess not. They probably fought more than
18 me or me and my brother, but --

19 GRAND JUROR: Had you been out to the McGuffin
20 house before?

21 THE WITNESS: Oh, yeah.

22 GRAND JUROR: Was it a pretty prevalent pot
23 house? I mean, people --

24 THE WITNESS: Well, yeah.

25 GRAND JUROR: The dad approved of it, didn't he?

S. Hamilton

1 Didn't care?

2 THE WITNESS: He didn't care.

3 GRAND JUROR: The mother, though, was she ever
4 there when the -- this took out -- took place?

5 THE WITNESS: She was usually home, if she wasn't
6 at work, you know. She was --

7 GRAND JUROR: She knew about it, then?

8 THE WITNESS: Oh, yeah. She knew about it.
9 Go ahead.

10 GRAND JUROR: Did kids hang out at McGuffins'
11 house as a kind of safe house? You know, where the -- when
12 their own home couldn't --

13 THE WITNESS: I'd say yeah. There were probably
14 a few kids that probably hung out there just to get away from
15 their own house because they could get away with things there
16 rather than at their own house. Yeah. I'd have to say yeah.

17 GRAND JUROR: Okay. You didn't --

18 GRAND JUROR: But they didn't stay there. They
19 didn't sleep there or spend two weeks in there or anything,
20 or --

21 THE WITNESS: I -- I don't think they did
22 anything like that. I think they just went out there at the
23 end of the day, and would go home at night, you know.

24 GRAND JUROR: Okay.

25 GRAND JUROR: They probably -- what, that they

S. Hamilton

1 could get away with more at the McGuffins' house than they
2 could have at home?

3 THE WITNESS: Yeah.

4 GRAND JUROR: Yourself included?

5 THE WITNESS: I didn't really hang out there a
6 whole lot.

7 GRAND JUROR: Oh, okay.

8 THE WITNESS: You know, I'd go out -- I went out
9 and fixed his car for him, and stuff like that.

10 GRAND JUROR: It's a -- oh. Okay.

11 GRAND JUROR: Do you know about his gas tank
12 problem? The Mustang? Did you work on that at all with him?

13 THE WITNESS: No. I never worked on his Mustang.

14 GRAND JUROR: Oh. On other cars?

15 THE WITNESS: This is after the fact.

16 GRAND JUROR: Okay.

17 (Pause.)

18 GRAND JUROR: Were you familiar, did -- somebody
19 already asked about the Mustang. Were you familiar with his
20 Mustang?

21 THE WITNESS: Yeah.

22 GRAND JUROR: What kind of shape was it in?

23 THE WITNESS: It had a half-assed paint job on
24 it. (Laughter.)

25 I mean, other than that, it wasn't real great.

S. Hamilton

1 GRAND JUROR: Yeah.

2 THE WITNESS: I think they were slowly trying to
3 fix it up, but it's a Ford, so I'm not a big Ford fan.

4 GRAND JUROR: You don't know why Nick took you
5 out to Lee Valley Road though, huh?

6 THE WITNESS: No, he didn't -- he didn't say
7 nothing.

8 GRAND JUROR: But he freaked out there?

9 THE WITNESS: Yeah. That's what he said.

10 GRAND JUROR: He got all paranoid, and --

11 THE WITNESS: Just acting weird, you know? When
12 he --

13 GRAND JUROR: How was he before he got out there,
14 though?

15 THE WITNESS: Quiet. Didn't really say a whole
16 lot. Then when I kept asking him where we were going, he's
17 all, Oh, we're just going for a drive.

18 GRAND JUROR: You guys go out there a lot?

19 THE WITNESS: No. I never went out Fairview with
20 Nick, which I thought was weird.

21 GRAND JUROR: Was that before or after the body
22 was found?

23 THE WITNESS: This -- see this is my rough spot
24 of remembering, because you know, you think there'd be crime
25 scene tape or something, though. There was nothing like that

S. Hamilton

1 out there when we went out there, so I can't honestly say if
2 it was before or after. And I told the cops that when they
3 interviewed me the last time, too. You know, I --

4 GRAND JUROR: You didn't bother to go look over
5 the bank where he was looking, then?

6 THE WITNESS: I mean, I walked over. I was right
7 next to him. I seen the boulder he was pointing at, but -- I
8 was like -- that's when I got kind of freaked out and went
9 down by him, you know, and was, Hey, you know.

10 GRAND JUROR: Was that before school started
11 again?

12 THE WITNESS: Yeah, that's before school started
13 again. Pretty sure. Well, I was out of school, so.

14 GRAND JUROR: Well, so was Nick.

15 THE WITNESS: Yeah, we were both out of school,
16 so. It's a tough one to say, too. It hadn't been real
17 close, though.

18 GRAND JUROR: How was the weather?

19 THE WITNESS: You know, it was sunny. It was
20 sunny.

21 GRAND JUROR: Probably still summer. (Laughter.)

22 GRAND JUROR: Before school started.

23 GRAND JUROR: September probably wasn't too far
24 away.

25 THE WITNESS: That's a good call there. I like

S. Hamilton

1 that one. That -- it was a sunny day. It was a sunny day.

2 GRAND JUROR: Probably in the early fall, I
3 think.

4 THE WITNESS: Yeah.

5 GRAND JUROR: Do you know the location where
6 Leah's body was found?

7 THE WITNESS: Yeah. The cops -- I actually went
8 out there with the cops.

9 GRAND JUROR: Oh.

10 THE WITNESS: They had -- they took me out there
11 to show them --

12 GRAND JUROR: (Indiscernible.)

13 GRAND JUROR: Was it near that location where you
14 went with Nick?

15 THE WITNESS: I took them right where Nick took
16 me.

17 GRAND JUROR: So it was the same one.

18 GRAND JUROR: Same spot.

19 THE WITNESS: Same spot. I took them right where
20 he took me. So. Well, it was a little more grown up, but --
21 you know. I'm the outdoorsy type. I know all the woods,
22 hunt and fish, all that stuff.

23 GRAND JUROR: What did Wayne drive back then, do
24 you know?

25 THE WITNESS: He either had his gold-and-black

S. Hamilton

1 '72 El Camino or he had an older -- what was that car? I
2 don't think it was a Thunderbird because Nick had the red
3 one. Maybe it was an older Thunderbird. Gray? Or Silver?
4 Either -- I'm thinking he drove the El Camino more than
5 anything, though, so.

6 (Pause.)

7 Because we always used to race. Because I had a
8 '64 El Camino.

9 GRAND JUROR: You must be a Chevy guy.

10 THE WITNESS: Well, I'm kind of a Dodge-Chevy
11 guy. I like Dodge, but they're expensive, and Chevy's cheap.

12 GRAND JUROR: Until you go buy a new one.

13 THE WITNESS: Well, unless you go buy a brand-new
14 one. We're talking old.

15 GRAND JUROR: Oh, okay.

16 THE WITNESS: No fuel injection, none of that.
17 Simple plain-jane.

18 (Pause.)

19 MR. FRASIER: Any other questions?

20 GRAND JUROR: I don't think so.

21 MR. FRASIER: Okay. That will do it. You're
22 excused.

23 THE WITNESS: All right. All you guys have a
24 good day.

25 MR. FRASIER: You too.

M. Smith

1 GRAND JUROR: Thank you.

2 THE WITNESS: You're welcome.

3 **TESTIMONY OF MELISSA SMITH**

4 (Witness sworn.)

5 BY MR. FRASIER:

6 Q. Okay. First of all, this the grand jury for Coos
7 County, and we're looking into the disappearance and death of
8 Leah Freeman. I need to tell you, it's obvious, but we're
9 recording everything.

10 A. Okay.

11 Q. Okay?

12 A. Okay.

13 Q. First of all, could you tell us your name,
14 please, and where you live.

15 A. Melissa Smith. I live in North Bend, Oregon.

16 Q. Previous witness we had in here, Scott Hamilton,
17 do you know him?

18 A. Mm-hmm.

19 Q. Did you know him?

20 A. Yes.

21 Q. Could you tell us how you knew Scott, what your
22 relationship was like with him?

23 A. Um, I knew him. We dated for about two years in
24 high school.

25 Q. Okay. And you went to the prom with him?

A. Heffner

1 GRAND JUROR: Do you know his brother, Wayne?

2 THE WITNESS: No, sir. He is the only one of the
3 family that I have met.

4 (Pause.)

5 MR. FRASIER: Okay. Any other questions?

6 Okay. That will do it. Thank you, sir. You're
7 free to go.

8 THE WITNESS: Thank you.

9 MR. FRASIER: Don't forget your hat, there.

10 GRAND JUROR: Thank you.

11 THE WITNESS: Have a good day, everybody.

12 **TESTIMONY OF AMBER HEFFNER**

13 (Witness sworn.)

14 BY MR. FRASIER:

15 Q. First of all, ma'am, this is the grand jury for
16 Coos County, and we're looking into the disappearance and
17 death of Leah Freeman. And to start off, I need to tell you
18 we are recording everything. All right?

19 A. Okay.

20 Q. First of all, could you tell us your name and
21 where you live, please.

22 A. It's Amber R. Heffner. It's, um -- do I need
23 give my full address?

24 Q. Just the city's name where you live.

25 A. Winston, Oregon.

A. Heffner

1 Q. All right. Do you know or did you know an
2 individual named Nick McGuffin?

3 A. I knew him.

4 Q. Okay. How well would you say you knew him?

5 A. Not very well. He was just an acquaintance.

6 Q. All right. Leah Freeman. Did you ever know Leah
7 Freeman?

8 A. Um, I knew of her because of my best friend. It
9 was her cousin.

10 Q. Okay. And did you know that Nick and Leah were
11 boyfriend/girlfriend?

12 A. Uh, yes, I did.

13 Q. Did you ever see them together?

14 A. Um, out, like at the store or at the park. That
15 was about it.

16 Q. How well did they seem to get along?

17 A. Um, they seemed okay. They had their fights and
18 squabbles like any other teenage relationship.

19 Q. Okay. I want to direct your attention, I guess
20 to the night that Leah disappeared, which was June 28th of
21 2000. I have information, or at least police reports have
22 been given to me, that at some point that night that Nick
23 came over to your house. Do you recall that at all?

24 A. Nick came over where?

25 Q. To your house.

A. Heffner

1 A. I wasn't even in town.

2 Q. Okay.

3 A. I was up in Vancouver, Washington, picking up my
4 brother.

5 Q. Okay. Was there some time that Nick came over to
6 your house?

7 A. No. Nick's never been to my house.

8 Q. All right. Well, the information that I have is
9 that the night that Leah disappeared -- well, let me get the
10 police report out.

11 (Pause.) Well, I'm looking at a police report
12 that was written in August of 2000. It was written by a
13 Sergeant Craig Zanni at the sheriff's office. Indicates that
14 he spoke to you on August the 8th of 2000. In the report, it
15 says -- I'm just going to quote right here:

16 "Amber Heffner stated the night the victim
17 disappeared Nick came over to her house about 1:00 a.m.
18 However, her story's changed. She was then gone for
19 approx -- her story's changed. She was then gone for
20 approximately four days after the victim's
21 disappearance. And then, on August the 3rd, she spoke
22 with Polly Parks about what had been going on with her
23 friends."

24 A. I -- honestly, I -- Nick had not been at my
25 house. My mom still lived there at the time and was working

A. Heffner

1 at Social Security, and she would have been home. I was up
2 in Vancouver, Washington, picking up my brother. He was
3 coming over from, um, Alabama to come visit me. My mom was
4 the one that called and told me on the way home -- or I
5 called her in Eugene and told her we were on our way home,
6 and she's the one that told me about Leah disappearing.

7 Q. Okay.

8 A. So. I don't remember talking to Craig Zanni. I
9 talked to Kip Oswald and told him a lot of information I got
10 from Polly Parks.

11 Q. Okay.

12 A. I don't remember talking to Craig.

13 Q. All right. "Amber Heffner indicated that the
14 shoe that was recovered on Hudson Ridge was planted the
15 next day to cover the person who had done the crime."

16 A. Yes, I remember telling Kip that from what I --
17 the information I got from Pauline Parks.

18 Q. All right. You got that from Pauline, you didn't
19 get it directly?

20 A. No. I got -- everything I said to Kip was
21 hearsay from Polly, and she said she had been talking to the
22 FBI and also talking to police, and had also spoke to -- with
23 Kip too.

24 Q. All right. Let me ask you these questions, then:

25 Has anybody told you that they killed Leah

A. Heffner

1 Freeman?

2 A. No.

3 Q. Has anybody told you that they saw what happened
4 that night?

5 A. No.

6 Q. Do you have any information about what happened
7 to Leah Freeman?

8 A. No. It's all speculation. Hearsay. What I've
9 heard. Even last night I heard stuff before I came over.

10 MR. FRASIER: All right.

11 (Pause.) Okay. I don't think I have any other
12 questions for her. Grand jury have any questions?

13 GRAND JUROR: You say last night you heard stuff.
14 So is this an on-going thing; these guys, people talking
15 about what's happening in here?

16 THE WITNESS: You know, I'm not too sure. It
17 might be, because the information was given to my best
18 friend, who is -- like I said, is Leah's -- was Leah's
19 cousin. Um, about is -- she was calling it a conspiracy
20 theory of what happened that night, that it supposedly was an
21 accident. Um, I don't know. I just -- honestly, I don't
22 like the rumors. If things are being said in here, it should
23 be left in here. Just like out there. As soon as people
24 were leaving from in here, they were out there talking to
25 their friends about everything that was said, with questions

A. Heffner

1 were being asked. Um, to me, that's not fair for the -- for,
2 um, if a trial is going to happen. It's not fair that
3 they're trying to get their story straight, because this
4 murder needs to be solved.

5 GRAND JUROR: Do you know what the dates were
6 when you were gone to Washington?

7 THE WITNESS: You know, I -- I wish I knew. I
8 know that my mom, when I called from Eugene, she told me that
9 it was in the paper, in the *Coquille Sentinel*. So I don't
10 know when that first day that it was published in the
11 *Sentinel*, but I was up in Washington for four days, and my
12 brother flew in. I picked him up from Portland
13 International, and then brought him down. He was here for a
14 week. I do have pictures at home when my brother first got
15 here. I -- they have a date on them. I mean, I could call
16 back and give a date, if that would help out. I don't mind
17 doing that.

18 GRAND JUROR: How did you know Paul -- miss, how
19 did you know Polly Parks?

20 THE WITNESS: She was a friend of mine, so.

21 GRAND JUROR: Did you know she was a meth user?

22 THE WITNESS: Yes.

23 GRAND JUROR: Were you using meth at the time
24 too?

25 THE WITNESS: At the time, no, I wasn't.

A. Heffner

1 GRAND JUROR: Okay.

2 THE WITNESS: At the time, I only smoked pot.

3 GRAND JUROR: Okay. So you didn't -- did you
4 frequent the house when -- you say you didn't really know
5 Nick that well.

6 THE WITNESS: No, I didn't. I just knew him as
7 an acquaintance. We never hung out. I didn't really care
8 for him.

9 GRAND JUROR: So, you didn't hang out at Polly --
10 Polly's house then, really?

11 THE WITNESS: No, I hung out at Polly's house a
12 lot, but Nick never really -- if he did come over, it was
13 when I had left, so I never really interacted with Nick over
14 there.

15 GRAND JUROR: But you knew Polly was using,
16 right?

17 THE WITNESS: Yes, I did.

18 GRAND JUROR: Did you interact with anyone else
19 that -- for example, we've heard Ricky was there?

20 THE WITNESS: Ricky -- Ricky Crook? Um.

21 GRAND JUROR: At her house. Would you -- did you
22 meet Ricky there, at Pauline's house?

23 THE WITNESS: Um, well, no. Ricky and I, we grew
24 up together. I've known him since he was like three. So
25 we've grown up here in Coquille. We lived just right down

A. Heffner

1 the hill from one another. So I've known him my entire life.

2 GRAND JUROR: Did you see Ricky at Pauline's?

3 THE WITNESS: Yeah. Ricky -- I would see him
4 occasionally there at Polly's.

5 GRAND JUROR: By himself?

6 THE WITNESS: Um, he was with other people. It
7 wasn't Nick. It was Nick's brother Wayne.

8 GRAND JUROR: Wayne?

9 THE WITNESS: He would come with Wayne McGuffin.
10 Um, he hung out with Wayne, and -- well, that's basically it.
11 Wayne -- oh. And then, um, Mike Pizzola was like his best
12 friend, so Wayne and Mike and him would come over.

13 GRAND JUROR: But not Nick?

14 THE WITNESS: Um, I saw Nick there --

15 GRAND JUROR: That you saw?

16 GRAND JUROR: -- like, one time when I was
17 leaving, he was coming. So, I just kind of hung out with my
18 little group of -- of people. We would go over -- go over
19 for a couple of hours and then leave.

20 GRAND JUROR: But Wayne, Nick, and Ricky didn't
21 come together, as far as you know?

22 THE WITNESS: No. As far as I know, no. It was
23 just Ricky and Wayne and --

24 GRAND JUROR: Mike Pizzola?

25 THE WITNESS: Mike Pizzola, yeah.

S. Krutchfield

1 GRAND JUROR: He was -- he was Ricky's -- whose
2 friend was he?

3 THE WITNESS: Ricky Crook's.

4 GRAND JUROR: Ricky Crook's. Okay.

5 GRAND JUROR: How about a Brent Mauro?

6 THE WITNESS: Brett Mauro? Yeah, Brett would
7 come over quite a bit.

8 (Pause.)

9 GRAND JUROR: Did they do drugs in your presence
10 then, or --

11 THE WITNESS: You know, we all did. We all
12 smoked pot. I'm not going to lie. Back then --

13 GRAND JUROR: Well, yeah -- (indiscernible).

14 THE WITNESS: I mean, there's no reason.

15 GRAND JUROR: But, did they do anything else?

16 THE WITNESS: Just -- with them, it was just we
17 all just smoked pot. That was it.

18 GRAND JUROR: Okay.

19 MR. FRASIER: Any other questions?

20 Okay. That will do it.

21 GRAND JUROR: Thank you.

22 THE WITNESS: Thank you.

23 **TESTIMONY OF STACY KRUTCHFIELD (LYONS)**

24 (Witness sworn.)

25 BY MR. FRASIER:

A. Hyatt

1 MR. FRASIER: All right. Anything else? No.
2 You're free to go.

3 THE WITNESS: Thank you, sir. You guys have a
4 nice day. Thank you for your time.

5 GRAND JUROR: Thank you.

6 THE WITNESS: Jesus.

7 **TESTIMONY OF ALICIA HYATT (HARTWELL)**

8 (Witness sworn.)

9 BY MR. FRASIER:

10 Q. Okay. Alicia -- you're Alicia Hartwell.

11 A. Yes. It's Hyatt now.

12 Q. Hyatt, yeah.

13 A. Yes.

14 Q. Hartwell previously. You testified a couple
15 weeks ago here at the grand jury.

16 A. Yes, I did.

17 Q. The reason I had you come back is after you
18 testified, you had talked -- if I remember your testimony
19 correctly, you had seen Leah walking by the high school the
20 night she disappeared.

21 A. Yes.

22 Q. And you had described a car that had pulled up or
23 had turned a u-turn or something, and came around behind the
24 van you were in.

25 A. And it had stopped. It was following behind us.

A. Hyatt

1 We had pulled out in front of it.

2 Q. Okay. And you talked -- I had the police come
3 and interview you --

4 A. Yeah.

5 Q. -- we'll hear about that.

6 Is there anything about how that car looked that
7 night that you can recall that struck you as -- well, was --
8 did it look like the car was operating properly? Was there
9 any problems with the car?

10 A. Uh, I remember one of the lights was dimmer than
11 the other one. It seemed like it was going out. It looked
12 like it had -- it was an older car, because it had the big
13 glass bulbs. My dad's a mechanic; I know cars. So, I know
14 it was older, because it had the glass bulbs in it, and one
15 of them was dimmer than the other. It seemed like it was
16 going out. I can't remember which side it was on, to tell
17 you honestly, but I remember one was dimmer than the other
18 one.

19 MR. FRASIER: That's all I have for her.

20 GRAND JUROR: And did you recognize the kind of
21 car?

22 THE WITNESS: It was an older -- uh, I didn't
23 recognize it until I saw the pictures of it. It was a M -- I
24 knew it was an older Ford car, and it was dark colored. It
25 was the pictures that I'd seen, um, I described it as the

A. Hyatt

1 blue Mustang that I'd seen in there. Because I knew it was a
2 darker-colored car. And out of all these other pictures,
3 that's the one I remember. Because I remember the front end
4 of it.

5 I remember it stopped, and I know there was at
6 least two people in the car, because the driver never moved,
7 but someone from the passenger either leaned out or got out.
8 I couldn't tell which.

9 GRAND JUROR: And you were the 12-year-old on the
10 bus, correct?

11 THE WITNESS: 12-year-old in the van, yes.

12 GRAND JUROR: The van, yes.

13 THE WITNESS: In the van leaving church.

14 GRAND JUROR: We've seen a lot of people, I'm
15 just -- to make sure I know who you are.

16 THE WITNESS: Yeah, I was leaving the Foursquare
17 church up above the old A&W.

18 GRAND JUROR: And this was when you saw -- I'm
19 trying to -- because you'd recognize Leah because you --

20 THE WITNESS: I've known since I was little. My
21 mom used to babysit her.

22 GRAND JUROR: And she was on the same side of the
23 road where the vehicle stopped?

24 THE WITNESS: Yes.

25 GRAND JUROR: So she was basically right there

A. Hyatt

1 where the vehicle was pulled over?

2 THE WITNESS: Yeah, it -- it was almost like it
3 stopped to talk to her. I wasn't sure, you know, I was
4 going -- I wasn't really paying attention then.

5 GRAND JUROR: So, was that --

6 THE WITNESS: Didn't think something like this
7 would happen.

8 GRAND JUROR: So they were on the side of the
9 high school, or the Shell Station?

10 THE WITNESS: High school.

11 GRAND JUROR: High school side (indiscernible).

12 THE WITNESS: Yeah. When we pulled out from the
13 stop sign, leaving the church, the car was down by the, um,
14 eye doctor's office. And it followed us up to about where
15 the high school is at, and I had seen her, and then it -- I
16 saw the car stop. And then we continued on. We didn't stop
17 and see anything else, so.

18 GRAND JUROR: And you definitely, in your
19 remembering, was two people in the car?

20 THE WITNESS: There was definitely two people in
21 the car. The driver never moved from behind the wheel, but
22 someone either leaned out or got out. I'm not exactly sure.
23 I don't remember seeing the door open, but it may have. I
24 don't know. But there was two people in the car.

25 GRAND JUROR: Was there anything that it just

A. Hyatt

1 come to you in recollection the light was dim or out, or was
2 anything -- did anyone indicate that that might have been the
3 case, or was that just strictly from your memory?

4 THE WITNESS: No, that was from my memories. I
5 remembered that one light was dimmer than the other one. I
6 just can't remember which side it was on, but I do remember
7 that because I was laughing about it. And I was like, Ha-ha,
8 it's almost a -- a game we played when we were little called
9 "padiddle." It was one car, and you know, if the light was
10 dimmer than the other one, it was "padiddle." Or it was
11 "popeye" if it was out. So, I remember it was padiddle
12 because it was one light dimmer than the other one, not out.

13 (Laughter.)

14 GRAND JUROR: Padiddle. Let me write that down.
15 How do you spell that? (Laughter.)

16 THE WITNESS: I'm not sure.

17 GRAND JUROR: The car or padiddle?

18 GRAND JUROR: Not a popeye.

19 THE WITNESS: It wasn't a popeye; it was
20 padiddle.

21 GRAND JUROR: And did you continue to observe
22 that? Did you observe whether Leah had got into the car and
23 left with the car, the car left her, anything like that?

24 THE WITNESS: After the car stopped, after the
25 car stopped and I seen someone lean out or get out, I'm not

A. Hyatt

1 exactly sure which, I don't know. But we continued on. I
2 wasn't really paying attention. I was too busy arguing with
3 my friend over a sweater, so.

4 GRAND JUROR: Okay.

5 THE WITNESS: I was a 12-year-old kid.

6 GRAND JUROR: And this was where you turned into
7 the high school parking lot?

8 THE WITNESS: It was just --

9 GRAND JUROR: Up on the upper level, I mean.
10 The --

11 THE WITNESS: Yeah, it was not at the bus part.
12 It was kind of in between the bus part and the parking lot to
13 the high school. And it was right there on that corner.

14 GRAND JUROR: So, there's no -- it's just a
15 shoulder. There's not -- they just pulled over.

16 THE WITNESS: Yeah, it's -- it was almost as they
17 stopped in the middle of the road.

18 GRAND JUROR: The road, okay.

19 GRAND JUROR: Right where the cross is set up
20 there, with flowers.

21 THE WITNESS: Yeah, just -- just -- it was
22 just -- actually, our van was right about where that is. It
23 was just a little bit farther back. Like, about two car
24 lengths back when it stopped, and right around that area.

25 GRAND JUROR: And right across from the gas

J. Smisek

1 station, almost.

2 THE WITNESS: Yeah. It was on the side by the
3 fence and like not next to the other one. (Creaking door
4 heard.)

5 Noisy.

6 MR. FRASIER: Is there anything else?

7 Okay. That will do it.

8 GRAND JUROR: Thank you for coming back.

9 THE WITNESS: Thank you.

10 **TESTIMONY OF JESSE SMISEK**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. Sir, first of all, this is the grand jury for
14 Coos County, and they are looking into the disappearance of,
15 and death of Leah Freeman.

16 A. Yep.

17 Q. And it's obvious, but I'm recording everything
18 here today, okay?

19 A. Okay.

20 Q. First of all, could you tell us your name,
21 please, and where you live.

22 A. I'm Jesse Smisek. I live in -- I live right next
23 to, in the access road, but I ain't staying there right now.

24 Q. No, okay.

25 A. Because McGuffin lives right next door to me.

C. Jones

TESTIMONY OF CYNTHIA JONES

(Witness sworn.)

BY MR. FRASIER:

Q. Ma'am, this is the grand jury for Coos County, and these folks are looking into the disappearance and death of Leah Freeman. I've got to tell you that I'm recording everything here today.

A. Okay.

Q. First of all, could you tell us your name and what city you live in.

A. Cynthia Jones, and I live in Coquille.

Q. How long --

A. I live in two places, actually.

Q. Oh, do you?

A. Yeah.

Q. Where else?

A. Klamath Falls.

Q. Really?

A. Mm-hmm.

GRAND JUROR: Small world.

BY MR. FRASIER:

Q. How long have you --

A. Yes.

Q. Would you --

A. Since March.

C. Jones

1 Q. Oh, okay.

2 A. But I live mainly -- been living (indiscernible).

3 Q. Okay. I was born in Klamath Falls.

4 A. Oh.

5 Q. Anyway.

6 Ma'am, were you living or were you in the area in
7 the year 2000?

8 A. Yes.

9 Q. I have information that was brought to me by the
10 police that on the evening of June 28th, 2000, you were
11 driving by the old Shell gas station here in Coquille.

12 A. Yes.

13 Q. And that you saw a young girl in a phone booth at
14 that station.

15 A. Yes.

16 Q. Could you tell the grand jury -- well, first of
17 all, did you know who Leah Freeman was?

18 A. Yes.

19 Q. How did you know Leah?

20 A. My daughter had coached her in Sawyer basketball.

21 Q. Okay. So this is about what time in the evening
22 that you're driving by the Shell?

23 A. Well, it's been a long time, but I think you're
24 right. It's about 9:30. I think that's what the --

25 Q. Could you tell the grand jury what you saw.

C. Jones

1 A. I was turning, and I looked at the phone booth,
2 and I saw this -- saw Leah in there. And she just kind of
3 had an expression on her face like -- like that. And the
4 door was shut. She had on a white tank top.

5 Do you want me to tell them about the two cars
6 over here?

7 Q. Sure. Go ahead.

8 A. Over --

9 Q. Tell them everything you saw.

10 A. The reason I remember this is that these two guys
11 were across the street on the sidewalk, and this one guy had
12 dark hair. And he was just screaming violently at this other
13 guy that was with him. And that's why I thought it was so
14 crazy, you know. And I remembered that.

15 GRAND JUROR: So one of the guys was screaming at
16 the other guy?

17 THE WITNESS: Mm-hmm.

18 GRAND JUROR: On the other -- over on the
19 school's -- on the school side?

20 THE WITNESS: Yes, over on the school side.

21 GRAND JUROR: Okay.

22 THE WITNESS: Facing towards the -- the phone
23 booth.

24 GRAND JUROR: The phone booth. Okay.

25 BY MR. FRASIER:

C. Jones

1 Q. Were they -- were these two guys that you saw,
2 were they on the sidewalk that goes around the high school or
3 were they on the other side of the fence? Do you recall?

4 A. They were on the sidewalk.

5 Q. Okay. Was there any vehicles or cars nearby?

6 A. There were some vehicles that were parked -- one
7 vehicle over on the side, right on that side. And then they
8 were standing here.

9 Q. Okay. Was it -- it was on the street?

10 A. No, it was in the -- it was, I thought -- I saw
11 in the parking.

12 Q. In the parking area?

13 A. In the parking area.

14 Q. Of the high school?

15 A. Mm-hmm.

16 Q. Okay.

17 A. But I don't know if that was theirs or not.

18 Q. Do you remember what type of car it was, or --

19 A. I just knew it was old --

20 Q. Old?

21 A. -- and kind of big.

22 Q. Did you see any color, or anything like that?

23 A. Well, it says in my thing blue/green.

24 Q. Okay.

25 A. Because then when I testified that I did see --

C. Jones

1 that I -- see it's so foggy because it's been ten years, you
2 know.

3 Q. Yeah.

4 A. And I'm losing my brain already, I feel like. So
5 I --

6 Q. But there's no doubt in your mind that you saw
7 Leah Freeman?

8 A. I saw Leah, yes.

9 Q. In that -- in that gas station phone booth?

10 A. In that gas station phone booth.

11 Q. Okay. Outside of what we talked about here
12 today, is there anything else you know about this case you
13 think we ought to know about?

14 A. No.

15 Q. Okay.

16 A. I really don't. I just hope that they catch him.
17 You know, whoever --

18 Q. Okay.

19 A. Hope it gets closed.

20 Q. Okay.

21 A. So.

22 MR. FRASIER: Does the grand jury wish to ask her
23 anything?

24 GRAND JUROR: You said 9:15. Was it getting
25 dark, or how did you know that -- the time?

C. Jones

1 THE WITNESS: It was very light outside. It was
2 light. I could see pretty good.

3 GRAND JUROR: Were you pretty sure of the time?

4 THE WITNESS: At the time that I report, I was --

5 GRAND JUROR: Mm-hmm.

6 THE WITNESS: -- because I came forward right
7 away and talked to the -- the police officers came --

8 MR. FRASIER: I had it at 9:30.

9 GRAND JUROR: I had 9:30.

10 THE WITNESS: 9:30.

11 GRAND JUROR: 9:30, what you said. Yeah. Sorry.

12 THE WITNESS: That's okay.

13 GRAND JUROR: You came forward after -- that
14 evening, or after you --

15 THE WITNESS: No, after --

16 GRAND JUROR: -- heard that Leah was missing?

17 THE WITNESS: Mm-hmm. Yes.

18 GRAND JUROR: Okay.

19 THE WITNESS: I can't -- does it say how long?
20 It wasn't very far. It doesn't matter, I just --

21 MR. FRASIER: I'd have to look it up.

22 THE WITNESS: Yeah, it wasn't very --

23 MR. FRASIER: It doesn't say here.

24 THE WITNESS: -- long after it happened.

25 GRAND JUROR: Did you recognize either of the two

C. Jones

1 guys?

2 THE WITNESS: I didn't. I just remember the one
3 had dark hair and baggy clothes and, and just the way he was
4 screaming was so -- you know, it was like, oh.

5 GRAND JUROR: Do you -- that was to be my
6 question.

7 He was screaming at the other gentleman, not
8 across the street at Leah?

9 THE WITNESS: No, he was screaming at this other
10 guy. And I can't -- I don't -- I didn't see their faces
11 because I was turning, and then I saw her. And I just
12 thought, whoa.

13 GRAND JUROR: Do you remember -- he had dark
14 hair. Do you remember if he was tall or short or --

15 THE WITNESS: He seemed kind of tall. I don't
16 know, maybe the guy was shrinking down as he was talking to
17 him.

18 I've played this over and over in my head, but he
19 seemed -- he just had on baggy clothes, and dark hair.

20 GRAND JUROR: Okay.

21 GRAND JUROR: Did you know anyone named Nick
22 McGuffin?

23 THE WITNESS: You know, I didn't know him. No.

24 GRAND JUROR: Okay.

25 THE WITNESS: I didn't really know him.

C. Jones

1 GRAND JUROR: Did you know Wayne McGuffin?

2 THE WITNESS: No, I didn't know him either. I --
3 I've heard them talked about and that, because of this case,
4 I think.

5 GRAND JUROR: Mm-hmm.

6 (Pause.)

7 MR. FRASIER: Any other questions?

8 GRAND JUROR: Did it look to you like there was
9 some relationship between these two guys on this side of the
10 street and Leah in the phone booth? Were they looking, or
11 was she looking at them?

12 THE WITNESS: She was -- she was facing towards
13 them. I -- I put that there was something going on there.
14 Myself, I thought something was going on.

15 GRAND JUROR: Okay.

16 THE WITNESS: But.

17 GRAND JUROR: It's all right.

18 THE WITNESS: Okay.

19 MR. FRASIER: Anything else?

20 Okay. That will do it.

21 GRAND JUROR: Thank you.

22 GRAND JUROR: Thank you.

23 MR. FRASIER: You're free to go.

24 THE WITNESS: All right. Thank you.

25 GRAND JUROR: Thank you.

M. Knight

TESTIMONY OF MAGDALENA KNIGHT

(Witness sworn.)

BY MR. FRASIER:

Q. Ma'am, this is the grand jury for Coos County, and they're looking into the disappearance and death of Leah Freeman. And I need to tell you that we're recording the proceedings here today. Okay?

A. Okay.

Q. First of all, could you tell us your name and where you live.

A. My name is Magdalena Knight. I live here in Coquille.

Q. How long have you lived here in Coquille?

A. My entire life.

Q. Okay. And we heard from an individual last week -- I think it was last week. Huey Delbert Knight.

A. That was my father.

Q. Okay. Mr. Knight told us that we ought to bring you in because he seems to think you might know something about this case. Your dad. So that's why I had a subpoena issued for you.

Let me back up a little bit with you and ask you some questions here. First of all, do you know a Nick McGuffin?

A. Yes.

M. Knight

1 Q. Well, do you know the McGuffin family?

2 A. Yes.

3 Q. How well do you know the McGuffin family? How
4 long have you known them?

5 A. They've known me since before I was born.

6 Q. Okay. And you've known Nick?

7 A. My entire life.

8 Q. And Wayne?

9 A. My entire life.

10 Q. Bruce and Kathy?

11 A. My entire life.

12 Q. Okay. How close would you say you were with
13 these people?

14 A. Before the incident, fairly close.

15 Q. Okay.

16 A. We were all family friends.

17 Q. After the incident?

18 A. Um.

19 Q. Changed?

20 A. Yes, sir.

21 Q. Okay. Well, let me ask you a few questions here.

22 Leah disappeared in June of 2000. Were you
23 familiar with the cars or cars -- the car or cars Nick
24 McGuffin was driving at that time?

25 A. Um, yes. I -- mostly just the Mustang.

M. Knight

1 Q. All right. Why don't you tell us about that
2 Mustang a little bit, or what you know about it.

3 A. Mm. I know it was a gift --

4 Q. Okay.

5 A. -- I believe. And it was something for Nick.

6 Q. Okay. I have here in the report you told the
7 police the car had been purchased by the family, and had been
8 a restoration project for Nick's graduation.

9 A. I'm pretty sure it was for his graduation. I
10 don't know specifically. It was a gift, though.

11 Q. Okay. You said something about the family
12 unveiling the car after it was complete.

13 A. Oh, well, sure. Nick showed it off to everybody
14 at school.

15 Q. Okay. There was something else somebody was
16 telling me that you might know something about having to do
17 with the trunk of the car or seeing him do something with the
18 trunk of the car. Do you know anything about the trunk of
19 that Mustang?

20 A. Well, what had taken place is I was going up to
21 their house to visit on Bell Oak (phonetic).

22 Q. Okay.

23 A. When they lived up there.

24 Um, all I know is that Bruce was working on the
25 car.

M. Knight

1 Q. Okay. And do you recall when that was in
2 relation to when Leah disappeared? Before or after?

3 A. This was before I even knew that she was
4 missing --

5 Q. Okay.

6 A. -- or considered missing.

7 Q. Okay.

8 A. So, I wasn't close friends with her. I was more
9 friends with her older sister. She was the one I was --

10 Q. Denise.

11 A. Yes.

12 Q. Okay. When you say Bruce was working on the
13 trunk of the car, what did you see?

14 A. I -- just that he was in there working on the
15 car. I didn't see anything specific. I didn't think
16 anything of it at time.

17 Q. All right. Now that you've had a chance to think
18 about it, we know that Leah disappeared on the evening of
19 June 28th, 2000. Do you have any idea if it was actually
20 before she actually disappeared, or it was after she
21 disappeared?

22 A. I'm sorry, I can't give you a definite date.

23 Q. Okay.

24 A. All I know is this car was finished when we were
25 in school.

M. Knight

1 Q. Okay.

2 A. And then on -- it was being worked on again.

3 Q. Okay. All right. I want to share with you some
4 things, or talk with you about some things.

5 Apparently, the McGuffin family feels that you,
6 your dad, or your sister Makayla knows what happened to Leah
7 Freeman. Do you know anything about what happened to Leah
8 Freeman?

9 A. I do not.

10 Q. Okay.

11 A. My sister does not either.

12 Q. Okay.

13 A. She was not even here.

14 Q. Okay. Your sister, when disappeared, or --

15 A. The time -- the time line is, is my sister was
16 involved with a bad crowd around here, and my dad wanted to
17 get her out of the environment. She was long gone. She was
18 in Wisconsin working on, I think it was the pipeline --

19 Q. Okay.

20 A. -- with my mother, when this took place.

21 Q. When that took place.

22 A. And then she was here. She came home for a
23 visit, and then she was gone again, before I think she was
24 even found.

25 Q. All right.

M. Knight

1 A. So it was back and forth. She was in Wisconsin,
2 though --

3 Q. All right.

4 A. -- when this took place. So she doesn't know
5 anything.

6 Q. Okay.

7 A. Unless she found out something when she came
8 back --

9 Q. Really.

10 A. -- but she wasn't here when it took place.

11 Q. She physically wasn't here when it took place?

12 A. No. No.

13 Q. All right. I want to read to you something that
14 we took out of a document that was taken out of the McGuffin
15 home. This is supposedly something that by either Kathy
16 McGuffin or Bruce, but probably Kathy McGuffin wrote.

17 Let me -- apparently Bruce went to see Delbert.
18 Delbert proceeded to tell Bruce that Kayla is scared for her
19 life. If they find out that she saw Leah that night, she
20 would be killed. Delbert said, What can I do? I have to
21 protect my family, so I sent her away.

22 Bruce said, Why didn't you tell us sooner? Why
23 are you running and leaving us to hang? I thought you were
24 our friend. You totally left us, Delbert. Where is she?

25 At that time Maggie came out from the bedroom.

M. Knight

1 Bruce asked her -- and this would mean that's you -- if
2 you -- if she knew all of this too. You said yes. Bruce
3 said, You have been coming out to see us several times this
4 past year, and you never thought about telling us what
5 happened? You people are really F'd up. I can't believe
6 we've known you people for two decades and this is how you
7 treat us.

8 Delbert said she was in Arizona. Bruce said if
9 we -- if we would have her come back -- if he would have her
10 come back and testify as to what happened. Delbert said he
11 would have her come back and he didn't have to worry. Bruce
12 told him he hoped he was going to keep his word.

13 Do you recall anything like that occurring?

14 A. I don't even recall him coming out to the house.
15 But that's -- it's -- it's been a long time ago.

16 Q. Okay.

17 A. So, this -- it -- he may have come out to the
18 house.

19 Q. Okay.

20 A. I don't know anything. I don't know why he would
21 say that about me. My sister is now in Arizona, but she was
22 gone before anything ever took place. She was already moved
23 out of the state.

24 Q. Okay. Did you have anything to do with Leah's
25 death?

M. Knight

1 A. No.

2 Q. Okay. Let me ask you these questions. Has
3 anybody told you that they killed Leah Freeman?

4 A. No.

5 Q. Has anybody told you they were there and saw what
6 happened to her?

7 A. No.

8 Q. And just so we're clear, you never told Bruce
9 McGuffin that you knew what happened, that Makayla knew what
10 happened, that Makayla saw what happened, or anything like
11 that?

12 A. Absolutely not.

13 MR. FRASIER: All right. I don't think I have
14 any other questions for Ms. Knight. Does the grand jury want
15 to ask her anything?

16 GRAND JUROR: What did you -- well, what kind of
17 person would you say Wayne was? Wayne McGuffin. Did --

18 THE WITNESS: Going to school?

19 GRAND JUROR: Yeah. Just your interaction with
20 Wayne. How would you describe him? Did you have any takes
21 on his personality? Good to be around? Fun to be around?

22 THE WITNESS: For the -- for the most part, yeah.
23 He -- he can be a little scary, a little intimidating.
24 Just -- he's just a big guy. I'm a girl, so. Yeah. Um, we
25 always seemed to get along just fine.

M. Shields

1 GRAND JUROR: How did he and Nick get along?

2 THE WITNESS: Fine as far as I saw.

3 MR. FRASIER: Okay. Anything else?

4 Okay. You're free to go.

5 THE WITNESS: All right. Thank you very much.

6 **TESTIMONY OF MARK SHIELDS**

7 (Witness sworn.)

8 BY MR. FRASIER:

9 Q. Okay. First of all, just to let you know, this
10 is the grand jury for Coos County, and they are looking into
11 the death and disappearance of Leah Freeman. It's obvious,
12 but I need to tell you we are recording everything here
13 today. Okay?

14 A. Understood.

15 Q. First of all, could you tell us your name please,
16 and where you live.

17 A. Mark Shields. I live in Coquille. 659 Southeast
18 15th Place.

19 Q. Okay. The previous witness that testified,
20 Maggie Knight, do you know her?

21 A. Mm-hmm.

22 Q. And how do you know her?

23 A. She's my fiancée.

24 Q. And do you folks actually live together?

25 A. We do.

S. Krutchfield

1 GRAND JUROR: He was -- he was Ricky's -- whose
2 friend was he?

3 THE WITNESS: Ricky Crook's.

4 GRAND JUROR: Ricky Crook's. Okay.

5 GRAND JUROR: How about a Brent Mauro?

6 THE WITNESS: Brett Mauro? Yeah, Brett would
7 come over quite a bit.

8 (Pause.)

9 GRAND JUROR: Did they do drugs in your presence
10 then, or --

11 THE WITNESS: You know, we all did. We all
12 smoked pot. I'm not going to lie. Back then --

13 GRAND JUROR: Well, yeah -- (indiscernible).

14 THE WITNESS: I mean, there's no reason.

15 GRAND JUROR: But, did they do anything else?

16 THE WITNESS: Just -- with them, it was just we
17 all just smoked pot. That was it.

18 GRAND JUROR: Okay.

19 MR. FRASIER: Any other questions?

20 Okay. That will do it.

21 GRAND JUROR: Thank you.

22 THE WITNESS: Thank you.

23 **TESTIMONY OF STACY KRUTCHFIELD (LYONS)**

24 (Witness sworn.)

25 BY MR. FRASIER:

S. Krutchfield

1 Q. First of all, ma'am, this is the grand jury for
2 Coos County, and they are looking into the death and
3 disappearance of Leah Freeman, okay?

4 I do need to tell you that I am -- well, we're
5 recording the proceedings here today.

6 First of all, could you tell us your name and
7 where you live.

8 A. Yes. Um, it's actually Stacy Krutchfield now.

9 Q. Okay.

10 A. It was Lyons.

11 Q. All right.

12 A. And, um, I've lived here in Coquille, out in the
13 Fairview area.

14 Q. Okay. How long have you lived in this area?

15 A. Um, well, I grew up here. I lived here most of
16 my life. We moved away after high school for a few years,
17 and then moved back about a year and a half ago.

18 Q. Okay. Your family, or your dad at least, owned
19 what used to be call the Fast Mart?

20 A. No. (Laughs.)

21 Q. No? Got the wrong Lyons?

22 A. Nope. (Laughs.)

23 Q. Got the wrong Lyons. Okay.

24 A. Yeah.

25 Q. All right. Well, never mind.

S. Krutchfield

1 Did you know Leah Freeman?

2 A. Yes.

3 Q. How did you know Leah Freeman?

4 A. Uh, we went to school together.

5 Q. And Nick McGuffin. Did you know Nick?

6 A. Yes.

7 Q. And how did you know Nick?

8 A. From school.

9 Q. Did you become aware that Nick and Leah were
10 boyfriend/girlfriend there for a period of time?

11 A. Yes.

12 Q. Could you describe their relationship, how well
13 they got along.

14 A. Well, um, it was kind of a -- I don't know. An
15 up and down, I guess I should say. They were together about
16 eight months, and for most of it there was, you know, happy
17 times and then they would have fighting a lot. And, um,
18 there would be -- um, I don't know.

19 The fights -- I mean, the arguments that I had
20 seen were actually at the school. And it would be her being
21 jealous over something, or her being mad over something. And
22 the fights that I had seen, you know, she was pretty
23 aggressive towards him. And he was, um -- he was trying to
24 kind of keep her off of him, trying to back off.

25 And there was a time that they got in a fight.

S. Krutchfield

1 He had punched the school wall. He punched a hole in the
2 wall at school. But I had never actually seen him be
3 physical towards her. I saw more her being physical towards
4 him, which was really out of character for her. She wasn't
5 normally an aggressive or -- or violent person, I guess. She
6 was more happy-go-luck type of person, so it was kind of out
7 of character for her.

8 Q. Did Leah tell you that she and Nick were having
9 sex?

10 A. Yes.

11 Q. Did she describe to you the first time what
12 happened, during the first time they got -- they had sex?

13 A. She said that she was drunk the first time that
14 they had sex. But -- go ahead.

15 Q. Did she say where the booze came from?

16 A. No.

17 Q. Okay. Leah disappeared June the 28th of 2000,
18 and then her body was found August the 3rd right near -- did
19 you see Nick in between that?

20 A. Um, you know, I can't remember because I was
21 living -- I had left to live with my sister about a week
22 before she disappeared, and I was with -- I had lived up
23 there the whole summer, and I don't remember. I don't
24 remember if I came down or not during that time.

25 Q. Well, I have in my notes that apparently one of

S. Krutchfield

1 the police reports that you indicated that in the year --
2 back in 2000, that you saw Nick between when Leah disappeared
3 and when Leah's body was found, and you noted he had a bunch
4 of hickeys on his neck.

5 A. Um, you know, I may have. I don't remember that
6 far back, but I think the instance of him having hickeys on
7 his neck was something that I had heard, not witnessed.

8 Q. Okay.

9 (Pause.) Would you describe their relationship,
10 Nick and Leah's, was it good? Bad? Trouble?

11 A. Um, well, we, as her friends, felt that it was
12 bad because she kind of changed a lot during their
13 relationship. She, um -- I mean being fresh -- we were
14 freshmen in high school. Being freshmen, we were still
15 really young and innocent and, you know, not really into
16 partying or into any of that yet.

17 And when we first met him, he had actually dated
18 one of our other friends for a really short period of time,
19 who was in our same grade. And, um -- and then he had -- he
20 had kind of just started hanging out with our group of
21 friends for some reason. I don't even know why. And, um,
22 him and Leah started dating.

23 And it -- at first we all liked him. I mean, we,
24 you know, had no reason to not like him. But then, um, she
25 kind of pulled away from us a lot because she was smoking pot

S. Krutchfield

1 with Nick, and at that time that was just really, really
2 horrible to us because none of us had ever -- you know, most
3 of us, at least, I guess should -- you know, didn't really --
4 didn't really do any of that type of stuff. So, to us, we
5 just felt like she was making really bad decisions at the
6 time by -- by partying and by getting into that kind of
7 stuff.

8 And at that time we kind of started not to like
9 Nick because we felt that they didn't bring out the best in
10 each other. I mean, I had mentioned before that, you know,
11 she was -- they would get in fights, and she would be kind of
12 violent towards him. And that's not something that we were
13 used to seeing in her.

14 And then as she knew that we weren't a big fan of
15 Nick's, and so then she started pulling away from us and not
16 really wanting to hang out with us as much, and always just
17 hanging out with him. And so that -- I think that kind of
18 made us, you know, angry at him and at her for -- for kind
19 of -- I don't know, making the bad decisions and -- and kind
20 of trading us in for the relationship.

21 Q. Has anybody told you that they killed Leah
22 Freeman?

23 A. No.

24 Q. Has anybody told you they saw what happened to
25 her?

S. Krutchfield

1 A. No. Not that they saw what happened to her.
2 There's been several rumors that -- that went around since
3 she disappeared that -- that have -- I don't even know where
4 they stemmed from, but --

5 Q. Okay.

6 A. -- I've heard several rumors.

7 Q. Very good. Is there anything else that you feel
8 the grand jury should know?

9 A. Um, well, actually -- actually, backing up. The
10 last question that you just said. There was -- a couple of
11 months ago, in December, I guess it was. We were out at, um,
12 the bar, at Mr. Zack's. And there was a girl there who I
13 didn't recognize, but she was sitting alone, and so she came
14 and we invited her to come sit with us. And she said she
15 didn't know very many people from Coquille, um, but she knew
16 Nick. And someone who was sitting with us said, "Oh, that's
17 the guy who killed Leah," just nonchalantly. And she got
18 really upset.

19 And it turned out that she had -- was Nick's
20 girlfriend. Um, not at the time, but she had been. And I
21 found out later, I think that was actually the mother of his
22 child.

23 Q. Are you going to --

24 A. I don't know her name.

25 Q. Okay.

S. Krutchfield

1 A. But that's who somebody had told me afterwards
2 that it was. And, uh, you know, she got upset. And I just
3 said, Hey, you know. Nobody -- nobody's been convicted, you
4 know. It's not a big deal, just calm down.

5 And so then she sat there and she talked to us
6 for a while, and she told me -- um, she said, You know Bill
7 Sero and his girlfriend -- I -- I don't know who -- what her
8 name is either. But he -- she said, um, they used to hang
9 out with me and Nick. And the girlfriend apparently had told
10 her that Bill would wake up having nightmares about, um, what
11 he'd done. That basically that he had -- that he had done
12 it.

13 And I thought that was really odd for her to tell
14 me that. You know, because she knew that I was friends with
15 Leah. And, um, I -- I just found it odd. I don't know why
16 she would tell me that.

17 And, um, also I guess -- again, this is kind of
18 hearsay because I -- I heard about this through somebody
19 else. But apparently Nick had received a letter from Alicia
20 Michaud some time back saying that she did it and that Bill
21 Sero did it, and outlining the whole thing. And, um, a
22 friend of ours had said that she actually saw the letter and
23 had read it. And again, very odd that that would come up.
24 So, I don't know.

25 Q. If I were to tell you that I got a copy of the

J. Curran

1 letter in that stack there, and it doesn't mention any of
2 that stuff, would that surprise you?

3 A. Um, I guess. I mean, it's hearsay to me, you
4 know.

5 Q. Okay.

6 A. I know that there's lots of rumors that go
7 around. So, to me it's just really odd that it all ties in
8 so much where, you know, one of the rumors that's went around
9 this whole time has involved Bill Sero. And the other one,
10 of course, has involved Nick. And those are the two main
11 things. And for rumors to come -- or rumors or -- or
12 whatever they are, to come from Nick that involve Bill, it's
13 just kind of odd how it all ties in. And I don't know the
14 details, so it's hard for me to put together.

15 MR. FRASIER: Okay. I don't have any other
16 questions for Stacy. Does the grand jury have any questions?

17 (Pause.) Okay. You're free to go.

18 GRAND JUROR: Good job.

19 THE WITNESS: Thank you.

20 GRAND JUROR: Thank you.

21 **TESTIMONY OF JULIANA CURRAN (REAB)**

22 (Witness sworn.)

23 BY MR. FRASIER:

24 Q. First of all, this is the grand jury for Coos
25 County, and we're looking into the disappearance and death of

B. Mauro

1 kinds of stuff. But whether anything is -- it's all hearsay,
2 you know? I just want it solved, and I think that there's a
3 lot that had happened that kids are afraid to talk.

4 And whoever knew, I mean -- there's a lot of
5 scary names out there that I've heard, and I don't know who
6 the people are, but I know that there's a lot of people out
7 there that I'm like, I don't want to know you. I don't know
8 how you're tied in, but --

9 MR. FRASIER: Okay. All right.

10 Grand jury want to ask her anything?

11 (Pause.) Okay.

12 GRAND JUROR: Thank you.

13 THE WITNESS: You're welcome. Hope you guys
14 solve it.

15 **TESTIMONY OF BRETT MAURO**

16 (Witness sworn.)

17 BY MR. FRASIER:

18 Q. First of all, sir, this is the grand jury for
19 Coos County, and -- I'm going to stand up for a little bit
20 because of my -- so I'm going to stand for a little bit. The
21 grand jury's looking into the disappearance and death of Leah
22 Freeman, okay? First thing I have to tell you is that we are
23 recording everything that's going on in here, okay?

24 A. That's fine.

25 Q. Just want you to be aware of that.

B. Mauro

1 First of all, could you tell us your name,
2 please, and where you live.

3 A. My name is Brett Mauro and I live at 94795 Vista
4 Lane.

5 Q. Okay. And how long have you lived there, sir?

6 A. Two months.

7 Q. Okay. Have you lived in the Coos County area,
8 Coquille area, for most of your life?

9 A. Uh, most of my life, yeah.

10 Q. Did you go to high school here?

11 A. Yes, sir.

12 Q. Did you know Nick McGuffin?

13 A. Yes, sir.

14 Q. How did you know Nick?

15 A. Went to school together. Hung out a little bit.

16 Q. All right. Did you know Leah Freeman?

17 A. Yes.

18 Q. How did you know Leah?

19 A. I've known her all my life. Um, I called her
20 gram -- grandma and grandpa grandparents, you know? I know
21 her family very, very well.

22 Q. Okay. Did you know that Nick and Leah were
23 boyfriend/girlfriend?

24 A. Yes, sir.

25 Q. All right. Did you see them together?

B. Mauro

1 A. Yes, sir.

2 Q. Could you describe what their relationship was
3 like.

4 A. Hit or miss, kind of, you know? Sometimes it was
5 good, sometimes it was bad.

6 Q. Okay. I want to direct your attention, sir; I
7 have information. On the evening that Leah disappeared,
8 which would have been June 28th of 2000, you were at the Fast
9 Mart that night. Did you see Nick McGuffin there?

10 A. I did, sir.

11 Q. It was about -- what time was it? Do you recall?

12 A. 9:35 to 9:40, somewhere in there.

13 Q. Okay.

14 A. Maybe a little bit later, maybe a little earlier,
15 but not any earlier than 9:30.

16 Q. Okay. Did you -- what did Nick tell you when you
17 saw him?

18 A. Uh, he said she was gone, was his exact words. I
19 said, No, she can't be gone. She has to be at her
20 grandparents' house, or her mother's house. She can't be
21 gone.

22 Q. Okay. And what did he say?

23 A. He says, No, Brett, she's gone. I have to go
24 find her. Once again I said, No, she's not gone. You know,
25 gone, to me, is gone. So, you know.

B. Mauro

1 Q. But he kept saying No, she's --

2 A. Kept, he -- because the first conversation there
3 was at seven or eight times he said "gone."

4 Q. All right.

5 A. Pale, pasty. Wasn't Nick, you know?

6 Q. All right. You must have talked to him again --

7 A. Um --

8 Q. -- that night?

9 A. He told me when he left he was going to see, um,
10 Jason Rice and Aaron West, I do believe.

11 Q. Okay.

12 A. I want to say they were going to the Mill Pond,
13 but it's been a long time so I can't -- that's not stuck in
14 my brain, but I do believe that's what was said.

15 Q. Okay.

16 A. And then it wasn't 10 o'clock yet, and he showed
17 back up.

18 Q. All right.

19 A. And said, Let's go for a ride, my girlfriend's
20 gone.

21 Q. Okay.

22 A. I got in the car. We rode around for a minute.
23 Real somber. Never really said much.

24 Q. Okay. Now, did you and he smoke some marijuana?

25 A. Yes, we did.

B. Mauro

1 Q. Do you know a lady named Polly Parks?

2 A. I do.

3 Q. Do you know Ricky Crook?

4 A. I do.

5 Q. Wayne McGuffin?

6 A. I do.

7 Q. Okay. Have you ever been over at Polly Parks'
8 place with Nick --

9 A. Yes.

10 Q. -- and Wayne and --

11 A. Yeah. Ricky, all of them.

12 Q. -- Ricky, all of them?

13 We've heard some testimony here today that at --
14 while you at Polly Parks' house with Wayne and Nick and Ricky
15 that, prior to the body of Leah Freeman being found, somebody
16 was describing where the body was at. Do you know anything
17 about that?

18 A. You know, there was a rumor in town that there
19 was a grave at Tom Stemmerman's, and that the body was passed
20 around from Polly's house to Tom's house. Which is --
21 whatever, it's a rumor.

22 Q. Okay.

23 A. Whatever. I don't know.

24 Q. But do you recall talking about that?

25 A. I don't recall.

B. Mauro

1 Q. Okay.

2 A. I could have, you know, but I don't remember.

3 You know, we talked about this --

4 Q. Well --

5 A. You know, this -- this comes up once a week, or

6 once a month with our friends, you know. Lots of

7 conversations.

8 Q. Was there any discussion about Leah's shoes, and

9 where Leah's shoes were found?

10 A. I -- I don't remember. I could have. I -- like

11 I said, I -- I don't remember.

12 Q. Okay. Was there ever a description given to you

13 where the body might be found --

14 A. No, sir.

15 Q. -- involving --

16 A. Never.

17 Q. -- involving something (indiscernible) down the

18 road?

19 A. No.

20 Q. Did you ever see the body of Leah prior to it

21 being found?

22 A. No, sir. We wouldn't be in this position if I

23 had seen the body.

24 Q. If you had seen the body, what would you have

25 done?

B. Mauro

1 A. Well, I would have -- like I say, we wouldn't be
2 here. It would have been solved already, you know what I
3 mean? Or further along than this.

4 Q. Has anybody told you that they killed Leah
5 Freeman?

6 A. No, sir.

7 Q. Has anybody told you that they were there and saw
8 what happened?

9 A. No, sir.

10 Q. Were you involved in her death --

11 A. No, sir.

12 Q. Okay.

13 A. I've been asked that before, and I -- no, sir.

14 Q. Okay. Other than what we've talked about here
15 today, is there any other information that you know about
16 this case?

17 A. Um, I do know that her feet print were on Wayne's
18 windshield -- or, uh, Nick's windshield. Her feet prints.
19 And one day it was foggy and I went to wipe it off, and he
20 did freak out on me. Yell and scream.

21 Q. Okay. Not -- don't do that.

22 A. Yeah. But, um, other than that, I really -- um.

23 MR. FRASIER: Okay.

24 Grand jury want to ask him anything?

25 GRAND JUROR: What kind of vehicle did you have

B. Mauro

1 at that time?

2 THE WITNESS: I had a -- it was GMC S-15, just
3 like an S-10, but it was a -- GMC makes it, not Chevy.
4 Two-wheel-drive pickup. It was white. I want to say it was
5 an '87 or something. It was my vehicle. White in color, red
6 pin-striping.

7 GRAND JUROR: Did you have a car, or just the
8 truck?

9 THE WITNESS: I had a truck. I just had my
10 truck, that's all I had.

11 GRAND JUROR: Where was it -- who did -- were you
12 driving it --

13 THE WITNESS: No. I had a suspended driver's
14 license at the time. I was on foot.

15 GRAND JUROR: Would you -- we're -- at this
16 point, you may have driven Wayne and Nick around quite a bit?

17 THE WITNESS: Uh, you know, everybody in town,
18 you know, as people get their licenses suspended, I -- you
19 know, me too. But I was older than most of my friends --

20 GRAND JUROR: But at that time, or the time
21 talking about right after Leah's disappearance, did you go up
22 to Polly's house quite often?

23 THE WITNESS: Oh, yeah.

24 GRAND JUROR: So were you involved in meth then,
25 at the time?

B. Mauro

1 THE WITNESS: Oh, yeah.

2 GRAND JUROR: So, all your -- the whole group of
3 you that would have been -- I think it was Wayne, you, Wayne,
4 Nick --

5 THE WITNESS: Oh, there was -- the whole town was
6 doing it, man. I just can't narrow it, you know? I mean, it
7 was pretty prevalent when I was that young.

8 GRAND JUROR: So, do --

9 THE WITNESS: Real, real prevalent.

10 GRAND JUROR: Did you know Wayne?

11 THE WITNESS: Oh, yeah.

12 GRAND JUROR: What did you think of Wayne? What
13 was your opinion on him?

14 THE WITNESS: Mouthy piece of shit.

15 (Laughter.) Sorry, but that's -- that's Wayne,
16 you know?

17 GRAND JUROR: Had you ever been out to their
18 house?

19 THE WITNESS: Oh, yeah. Oh, yeah.

20 GRAND JUROR: Did you know the father?

21 THE WITNESS: Yeah.

22 GRAND JUROR: Did he allow drugs, alcohol?

23 THE WITNESS: Uh, it was just -- I don't know if
24 it was -- I mean, it happened out there. Not -- and I didn't
25 go out there very much, so I don't know all; if it was

B. Mauro

1 allowed or it just happened.

2 GRAND JUROR: But you were driving up there
3 shortly after Leah's disappearance, then?

4 THE WITNESS: Yeah, I can't -- I couldn't answer
5 that. I don't recall.

6 GRAND JUROR: But you're sure that at the time --

7 THE WITNESS: Yeah, I was on foot. Yeah.

8 GRAND JUROR: When she disappeared?

9 THE WITNESS: Yes. Because I was walking in
10 between Judy's New Image -- like where Judy's New Image is
11 down -- what is that? Seventh? Sixth Street, down through
12 the little gully there, and you come up between Exxon and
13 Judy's New Image, now. And it puts you out at Fast Mart.

14 GRAND JUROR: Did you give a report to the police
15 right after this?

16 THE WITNESS: Oh, yeah. Yeah, I talked to the
17 FBI shortly after this.

18 GRAND JUROR: And what did you do that evening,
19 after you --

20 THE WITNESS: I couldn't -- I don't know what I
21 did after that. I could -- I couldn't even --

22 GRAND JUROR: Did you and your friends drive
23 without a license even though it was suspended?

24 THE WITNESS: I never did. I never did.

25 GRAND JUROR: You're sure?

B. Mauro

1 THE WITNESS: I can't -- I can't quote my
2 friends --

3 GRAND JUROR: That's your left hand.

4 THE WITNESS: I -- I promise you, I never drove.
5 That's one thing -- like I -- I had a vehicle the whole time,
6 but I never, ever drove. And you can look at my police
7 reports. You know, I -- I don't have any driving while
8 suspendeds, or any --

9 GRAND JUROR: How about the other kids?

10 THE WITNESS: I can't -- you know, that's not for
11 me to say.

12 GRAND JUROR: Ah. I mean, it's not going to hurt
13 now.

14 THE WITNESS: No, no. But I'm just saying, I'm
15 not -- you know what I mean? I'm sure it's happened, but I'm
16 not going to be like, yeah, he did it. I -- you know, I
17 mean, I don't keep track of when they get their license
18 suspended or whatever, you know? When they're in trouble or
19 not.

20 GRAND JUROR: And there's the bunch of kids. I
21 know what kids do. (Laughing.)

22 THE WITNESS: But I will tell you right now, I
23 never drove without my license. I didn't want -- you know.
24 I'd have two or three suspensions on it as it was. I didn't
25 need any more.

B. Mauro

1 GRAND JUROR: Oh, my goodness.

2 THE WITNESS: So --

3 GRAND JUROR: So, in other words --

4 THE WITNESS: I was --

5 GRAND JUROR: -- you drove, and then got caught?

6 THE WITNESS: No. No, no --

7 GRAND JUROR: And then got suspended?

8 THE WITNESS: I -- just like I told you, you can
9 look at my police reports. I've never had a driving while
10 suspended. Not once.

11 GRAND JUROR: Yeah, but that doesn't mean you
12 didn't get caught.

13 THE WITNESS: I never drove. I never drove. I
14 never drove when I had a suspended driver's license.

15 GRAND JUROR: How many times did you have it
16 suspended?

17 THE WITNESS: Aw. First time, I was 17. And
18 then after that, you know, I'd have it for six months, it
19 would get suspended. After, you know, stupid little stuff
20 you do, and they suspend your driver's license, you know.
21 But I never drove without a driver's license. My truck would
22 sit there. I didn't want to get in trouble for driving. I
23 was already in trouble for a driving offense. Why get in
24 trouble more?

25 GRAND JUROR: Did you get your license back

B. Mauro

1 shortly after Leah disappeared?

2 THE WITNESS: Do you see, I -- you just asked me
3 that question, and I don't -- I, I can't --

4 GRAND JUROR: Well --

5 THE WITNESS: I -- I -- I -- I -- I don't -- I
6 don't remember. I don't recall, like my exact dates of
7 getting my license back.

8 GRAND JUROR: Okay.

9 THE WITNESS: I could have, yes. I might not
10 have, no. You know what I mean? I don't know. I don't
11 remember.

12 GRAND JUROR: Would -- where -- did you --
13 would -- we've had testimony that you'd driven Nick and Wayne
14 and Ricky, I think, around quite a bit.

15 THE WITNESS: Oh, yeah.

16 GRAND JUROR: Okay. Did -- was one of the places
17 you were -- where did you guys frequent? Did you have any --
18 you've got Johnson Pond. Did you have any --

19 THE WITNESS: Aw, you know. We'd go to
20 (indiscernible), we'd go for drives. Just drive around, you
21 know. It was --

22 GRAND JUROR: Was the area in that -- was the
23 area that Leah's body's found, is that -- was that like an
24 area -- was that a place where you guys --

25 THE WITNESS: I never went there when I was a

B. Mauro

1 kid. Ever. Never, ever.

2 GRAND JUROR: Was it some place you'd go to drink
3 and do drugs?

4 THE WITNESS: No. I -- I didn't. People would
5 go party there, but I didn't.

6 GRAND JUROR: Was there a lot of drug activity at
7 Polly Parks'?

8 THE WITNESS: Yeah. (Laughing.)

9 GRAND JUROR: Were you at -- we've heard
10 testimony that there was a scanner there, and at some points
11 people would really -- a police scanner. People --

12 THE WITNESS: Oh, yeah, yeah.

13 GRAND JUROR: -- you guys would focus in on the
14 police scanner.

15 THE WITNESS: Oh, yeah.

16 GRAND JUROR: What was said while that was
17 happening?

18 THE WITNESS: Oh, I don't know. I don't remember
19 general conversations.

20 GRAND JUROR: Okay. But as far as you can
21 recall, nothing about Leah, even though --

22 THE WITNESS: No.

23 GRAND JUROR: -- that was the object of the
24 police scanner --

25 THE WITNESS: Well, that wasn't the object of the

P. Smith

1 police scanner was Leah. And not -- you know what I mean?

2 It was a tweaker house.

3 GRAND JUROR: Okay.

4 THE WITNESS: Tweakers listen to the scanner.

5 GRAND JUROR: Just to be sure you weren't --

6 THE WITNESS: They --

7 GRAND JUROR: -- going to be caught?

8 THE WITNESS: -- they carry them all around the
9 street, you know what I mean? It's not because -- I mean, it
10 wasn't my house. I don't know if that was a reason it was
11 put in or not, but I would assume that it was because of the
12 drugs that were involved. Like I say, it was pretty
13 prevalent when we were kids, you know. People change.
14 Obviously, I weigh 300 pounds, you know?

15 (Laughter.)

16 MR. FRASIER: Any other questions?

17 Okay. That will do it. You're free to go.

18 THE WITNESS: Have a good day, you guys.

19 GRAND JUROR: Thank you.

20 **TESTIMONY OF PAMELA SMITH**

21 (Witness sworn.)

22 BY MR. FRASIER:

23 Q. First of all, this is the grand jury for Coos
24 County, and they are looking into the disappearance of Leah
25 Freeman.

L. McOwen

1 Q. You didn't think it was that big of a deal at
2 that time?

3 A. No.

4 MR. FRASIER: Okay. Thank you. That's -- that's
5 all I've got. Okay. You're done. You can go back to Port
6 Orchard.

7 THE WITNESS: Okay. Thank you.

8 GRAND JUROR: It's raining up there.

9 THE WITNESS: Yeah.

10 **TESTIMONY OF LISA McOWEN**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. This is the grand jury for Coos County. They're
14 looking into the disappearance of Leah Freeman.

15 And you saw me do it, but I've got to tell you
16 we're being recording, okay?

17 A. Yes.

18 Q. Could you tell us your name and your occupation,
19 please.

20 A. Lisa McOwen, and I'm an analyst with the
21 Department of Justice.

22 Q. How long have you worked there?

23 A. A little over four years.

24 Q. And an analyst. Could you tell the grand jury,
25 please, what type of things you do there as an analyst.

L. McOwen

1 A. We assist law enforcement agencies with criminal
2 cases, doing research, charts, financials, spreadsheets.
3 Whatever they need for a criminal case.

4 Q. All right. Now in this case you were asked to
5 assist in being an analyst on the case of the disappearance
6 of Leah Freeman.

7 A. Yes.

8 Q. And in the course of that, you were supplied by
9 me or the police with a complete copy of all the reports.

10 A. Yes.

11 Q. 5,400-and-some-odd pages.

12 A. Yes.

13 Q. All right. (Laughter.)

14 One of the things I asked -- did I ask you to
15 create some, or did the police ask you to create some what's
16 referred to as timelines?

17 A. Yes.

18 Q. Now, we got back here two charts back here that
19 the grand jury has available to them. Were these charts that
20 you prepared?

21 A. Yes.

22 Q. All right. Now, this first chart over here that
23 talks about Nick McGuffin handwritten timeline, Brent Bartley
24 and the McGuffin-created timeline. Could you tell us where
25 the source of the information is for the -- that you did for

L. McOwen

1 that chart?

2 A. In the police reports there was timelines that
3 were handwritten by Nick McGuffin and Brent Bartley right
4 after Leah's disappearance.

5 Q. And so what you did is, using those handwritten
6 statements, you put the -- according to -- like on this side
7 it's Nick's handwritten statement of where he was, according
8 to him.

9 A. According to him, times and where he was.

10 Q. And the same thing for Mr. Bartley.

11 A. Yes.

12 Q. And then in the middle here, I gave you a
13 document that had been seized from the McGuffin residence
14 this year, which was a timeline that the McGuffin family had
15 put together?

16 A. Yes.

17 Q. And then you put that in the middle here?

18 A. Correct.

19 Q. Okay. So that's how that chart came into being?

20 A. Yes.

21 Q. All right.

22 This chart over here, Leah Freeman Homicide
23 Vehicle Sightings and Timeline, could you tell us about that.
24 Where -- what's the information from there?

25 A. That information is from the police reports,

L. McOwen

1 where officers either got witness statements and wrote them
2 in the reports, with the dates and who they saw where.

3 Q. All right. And I noticed some of these things in
4 here you put in red. What do the red comments signify?

5 A. Some of them are discrepancies where -- and I'd
6 have to read them specifically to see, but it's where they
7 don't match up, time -- at the same time and being in the
8 same place.

9 Q. Now, these other charts we have behind you,
10 the -- that's a blow-up I did of, I believe, one of your
11 drawings over there --

12 A. Mm-hmm.

13 Q. -- of the area. You did that?

14 A. Yes.

15 Q. And pointing out where particular locations were
16 where certain events occurred?

17 A. Yes.

18 Q. And then the one behind you is what you did in
19 Coos County?

20 A. Yes.

21 MR. FRASIER: Okay. I'm just laying a foundation
22 for these charts for you, so you can understand where that
23 came from. I don't think I have anything else to ask Lisa,
24 unless you want to ask her anything.

25 GRAND JUROR: Nice job.

L. McOwen

1 THE WITNESS: Thank you. (Laughter.)

2 GRAND JUROR: Five thousand pages, huh?

3 THE WITNESS: Yes.

4 GRAND JUROR: How long did that all take?

5 GRAND JUROR: Ten years. (Laughter.)

6 THE WITNESS: Uh, it -- it probably took me
7 almost three weeks of reading to get through the reports.

8 GRAND JUROR: I'm just curious why that one's in
9 yellow, when Nick was seen at Fast Mart. Why is that one in
10 yellow? Can you read it?

11 THE WITNESS: I'd have to read what it says.

12 GRAND JUROR: Is there a yellow (indiscernible).
13 The red ones are discrepancies, right?

14 THE WITNESS: Yes.

15 GRAND JUROR: And what -- and I'm sorry. What
16 are the green ones on this side, are -- they're still,
17 they're still under this --

18 MR. FRASIER: Right.

19 GRAND JUROR: Okay. Okay.

20 MR. FRASIER: Okay? Anything else for Lisa?

21 GRAND JUROR: So what is the yellow?

22 GRAND JUROR: Oh, what do you think?

23 GRAND JUROR: I don't know. What does the yellow
24 one say, so she can --

25 GRAND JUROR: Says Nick was sent -- was seen at

L. McOwen

1 Fast Mart by Jenkins and West. Jenkins stated Nick was upset
2 and crying at 9:30.

3 THE WITNESS: I think that was a newly-added one,
4 that was from the more recent interviews.

5 GRAND JUROR: Oh, okay.

6 GRAND JUROR: Also, alongside of it, on the
7 opposite there, that he went -- supposedly, at 9:30 he was
8 supposed to be on his way to Bart or --

9 GRAND JUROR: And then -- and Brent says he got
10 there at 10:00 p.m.

11 GRAND JUROR: And father says he was at home.

12 (Laughter.)

13 MR. FRASIER: Okay.

14 GRAND JUROR: I got one more question. On -- you
15 have on Nick's and Brent's, the green highlighted one?

16 THE WITNESS: Mm-hmm.

17 GRAND JUROR: Is that something related to the
18 McGuffin? Why are they green? Because I see McGuffins' is
19 green.

20 THE WITNESS: Um, it may be that -- I -- I would
21 have to look at them and compare them. Offhand, I don't
22 remember, but it may be because they related more to the
23 other time -- this timeline from police reports. I'm not
24 sure. I -- I'd have to look at it, and it's been a little
25 while since I actually --

L. McOwen

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1 GRAND JUROR: Right.

2 THE WITNESS: -- read the timelines again.

3 GRAND JUROR: Well, I've got -- I'm just trying
4 to understand if we're supposed to have some sort of, you
5 know --

6 THE WITNESS: Sometimes the color-coding --

7 GRAND JUROR: -- education.

8 THE WITNESS: -- was more for my purpose or to --

9 GRAND JUROR: Okay.

10 THE WITNESS: -- to highlight something new that
11 I added --

12 GRAND JUROR: That's what I wondered.

13 THE WITNESS: -- for the officers to look at.

14 GRAND JUROR: Yeah, I wanted to know if we were
15 supposed to pay special attention to those --

16 THE WITNESS: Yeah.

17 GRAND JUROR: -- different things and that.

18 MR. FRASIER: I guess what we'd say is don't
19 worry about the colors. All right? (Laughter.)

20 GRAND JUROR: Okay.

21 THE WITNESS: The -- the process of the charts
22 was a lot of updating as more reports and interviews got
23 done. So, as I would add something new, I probably
24 color-coded it so they would know it was something new added.

25 GRAND JUROR: That -- I'm a visual learner, so I

K. Stevens

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1 just had to make sure.

2 THE WITNESS: Sure. (Laughter.)

3 Fair.

4 GRAND JUROR: Was part of your job to make any
5 conclusions --

6 THE WITNESS: No.

7 GRAND JUROR: -- or just do this?

8 THE WITNESS: Just do that.

9 GRAND JUROR: So you have not come to any
10 conclusions?

11 THE WITNESS: No. I put the data together so
12 that --

13 GRAND JUROR: That's not fair to ask her.

14 THE WITNESS: -- so that the officers can --

15 GRAND JUROR: I figured I'd try. (Laughter.)

16 THE WITNESS: -- get more of a visual picture.

17 MR. FRASIER: Okay.

18 GRAND JUROR: You did a good job.

19 THE WITNESS: Thank you.

20 MR. FRASIER: Anything else?

21 All right. Thank you. You can disappear.

22 THE WITNESS: Thank you.

23 **TESTIMONY OF KYLA STEVENS**

24 (Witness sworn.)

25 BY MR. FRASIER:

T. Mercer

3

COQUILLE, OREGON; Wednesday, August 11, 2010; 5:42 P.M.

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TESTIMONY OF THOMAS MERCER

(Witness sworn, appearing by telephone.)

BY MR. FRASIER:

Q. Okay. Mr. Mercer, this is the grand jury for Coos County. We're looking into the disappearance and death of Leah Freeman. We are recording it on our end, so I have to tell you that we're doing that, okay?

A. Yes.

Q. First off, if you'd tell us your name please, sir.

A. Uh, I'm Thomas G. Mercer.

Q. And Mr. Mercer, were you previously employed by the Coquille School District?

A. Yes, I was.

Q. When did you work for the Coquille School District?

A. Uh, my time in Coquille was -- began in the fall of 1995 and ended in the spring of 2000.

Q. You currently live in California; is that correct?

A. Yes, I do.

Q. And for health reasons, you've asked to appear today by video conference.

T. Mercer

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1 A. Yes.

2 Q. All right. Mr. Mercer, while you were -- well,
3 what was your occupation, or what was your position at
4 Coquille High -- with the Coquille School District?

5 A. I was a -- excuse me. I was a -- my official
6 position was as a -- just as teacher. Became a tenured
7 permanent teacher at Coquille High School. I taught about 18
8 different subjects over the course of my time at Coquille,
9 which was approximately five years. I was also a football
10 coach for several years at Coquille High School, and I was
11 also a track coach at Coquille High School. I was also --
12 one of my assignments was as the student council advisor.

13 Q. While you were working at Coquille High School,
14 did you become acquainted with an individual named Nicholas
15 McGuffin?

16 A. Yes, I did.

17 Q. And he was a student there at the high school?

18 A. He was a student at the high school, yes.

19 Q. Did he also play football, to your recollection?

20 A. Yes, he did. He played football, and as I recall
21 he also played baseball, but I was not involved with the
22 baseball program.

23 Q. Mr. Mercer, we had subpoenaed from the high
24 school some records pertaining to Nicholas and his behavior,
25 and one of the things that I noted is that there seemed to

T. Mercer

1 have been some issues with you and Nicholas, at least in the
2 fall of 1999. Do you recall any of these types of incidents?

3 A. I -- I recall that there were a number of
4 incidences. They were during my time at Coquille and the
5 time of Mr. McGuffin's time at Coquille. We had a number of
6 different, uh, issues. Um, I know that there -- and I -- and
7 I very honestly can't tell you if it was at that exact time,
8 but there had been issues, not only behavior in the
9 classroom, behavior on the football field, as well as one
10 time -- and I do not recall because it has been 11 years, I
11 believe -- where I caught the individual using marijuana in
12 the school parking lot. It -- as I recall, it was reported.
13 But I do not remember what the follow-up, if any, there was
14 with that incident.

15 Q. I have here in the records here there was an
16 incident in September of 1999 where Nicholas McGuffin
17 directed profanity at you. Do you recall something along
18 that line?

19 A. Mr. Frasier, without -- and without trying to be
20 flippant about an answer like this, that was not an unusual
21 circumstance with Mr. McGuffin using profanity directed at
22 myself. So, if -- if the records indicate that, it was a
23 situation that, yes, did happen. And it was one time it was
24 something that was reported, you know, on the school records.
25 But it certainly was not the only time that that had happened

T. Mercer

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1 at the time that Nick or any of those students were at the
2 high school.

3 Q. Okay. Well, in your -- you -- I think you kind
4 of mentioned that -- well, let me ask you this: Did you --
5 did you and Nick have any issues or problems there at the
6 high school?

7 A. Yes, we did.

8 Q. Could you describe, somewhat, those issues.

9 A. The issues that I had as -- as Nick moved his way
10 through Coquille High School was a pattern of insubordination,
11 defiance, truancy. There was his association with others.
12 He knew that I did not agree with things that I was hearing,
13 not only that he was talking about but others that were
14 talking about, about social behavior and things that he was
15 involved in which he knew that was not acceptable to me.

16 And I have felt was -- at the time, but still am,
17 very vocal in my opposition to that kind of behavior. And
18 I'm sure that there were some in -- influences that -- on
19 Nick himself, that contributed towards his feelings against
20 me.

21 Q. Now you mentioned social behavior. What --
22 issues that he had there. What are you talking about, sir?

23 A. His -- as -- as -- as Nick moved through Coquille
24 High School, he became much more aggressive towards other
25 students. Much more, as far as bullying. Much -- again,

T. Mercer

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1 much more defiant. And the use of drugs, the use of alcohol,
2 was not only becoming more and more apparent, but it was
3 becoming very common knowledge amongst the student body. And
4 overhearing him talk, and others talk with him about what was
5 going on.

6 Q. I think you earlier said that there might have
7 been an issue with him when he was playing football. Did I
8 misunderstand you, or was there an issue there?

9 A. He would -- it was just the -- the typical issues
10 that a coach and a player would -- would have. But the kind
11 of issues that, if you are having some difficulties or issues
12 that are outside of football, outside of practice, become
13 magnified when you try to correct or discipline a player
14 because of their attitude or their behavior. Because they
15 tend to take it more personally because they also know that
16 they're going to be in your classroom on the next day.

17 Q. Okay. Did you -- or were you acquainted with
18 Leah Freeman at all?

19 A. Uh, no, sir. I'm not saying that I had never met
20 her. I know that she was there at the high school. But that
21 last year, I believe it was her first year, I did not have a
22 freshman class, and I don't recall having any personal
23 relationship with her.

24 Q. Were you aware that Nick and Leah, at least for
25 some part of the school year, at least the last half of the

T. Mercer

1 school year, were a couple or boyfriend/girlfriend?

2 A. I knew that Nick had a girlfriend, but I could
3 not say that it was Leah Freeman because I -- I honestly did
4 not know her personally. I did know that he had a
5 girlfriend. That's all I can really say.

6 Q. Mr. Mercer, had -- I -- is there anything else
7 about Nick's behavior at the high school, or what you saw,
8 that you think the grand jury ought to know in this case?

9 A. Well, actually, sir, there's a lot of things I
10 guess maybe one could say. And trying to be as helpful as
11 possible, but also being as appropriate to the grand jury and
12 to yourself, and to be helpful in this case, I do know that
13 there was problems that were created by his older brother --

14 Q. Uh --

15 A. -- and his re -- his older brother's relationship
16 to me. And that affected our relationship. And with
17 activities that Nick became more and more involved in, and
18 others that were associates of his older brother that he
19 spent a lot of time with, particularly his junior and senior
20 year.

21 And those activities were well-known around --
22 around town, at the high school. And they weren't of a
23 positive nature, whatsoever. Again, he continued to get much
24 more defiant. He was -- became much more indifferent about
25 anything when it came to school or schoolwork. There were

T. Mercer

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1 many more instances where there was classroom discuss --
2 disruptions, where Nick was asked to leave or was disciplined
3 in some manner.

4 And in many cases -- and this may be kind of a
5 flaw somewhat in our system, was the fact that not everything
6 that happens one day in a classroom gets written up because
7 we're trying to deal with problems as we -- you know, as much
8 as we possibly can right at the particular time.

9 Q. You mentioned his older brother. Is that Wayne
10 McGuffin?

11 A. Yes, it is, sir.

12 Q. And there were discipline issues at the high
13 school involving Wayne too. Is that right?

14 A. Yes, sir.

15 Q. And you were involved in some of those issues
16 with Wayne McGuffin; is that correct?

17 A. Yes, sir.

18 Q. I'll throw this out there. There's been at least
19 some people that are saying that you were -- you treated Nick
20 differently because of his brother Wayne. In other words,
21 you would pick on Nick because of Wayne, what Wayne did with
22 you. How would you respond to that, sir?

23 A. My response to that would be that I didn't treat
24 Nick differently because of Wayne. Nick's treatment was in
25 part the result of his association in activities with Wayne.

T. Mercer

1 MR. FRASIER: Okay. Mr. Mercer, I don't have any
2 more questions that I'd like to ask you. I'd -- I'll ask the
3 grand jury if they want to ask you anything.

4 GRAND JUROR: Mr. Mercer, did you -- did you know
5 if they were having trouble with their parents, or did you
6 know the parents of Wayne and Nick?

7 THE WITNESS: I don't know of anything
8 specifically, when it comes to their parents. And honestly,
9 I was there for five years. I don't ever recall -- and I'm
10 not saying that it didn't happen, but I don't recall of
11 actually having inter -- interaction with their parents,
12 whether it's when they were playing with us -- involved in
13 athletics or a back-to-school night or parent night.

14 More than likely I had an opportunity to
15 actually -- to meet them and say hello, when we would have,
16 for example, our football orientation meeting or something
17 like that. But there was nothing as far as any real meetings
18 that I can remember.

19 GRAND JUROR: Sir, did Wayne also play football?
20 Is that part of how you knew him?

21 THE WITNESS: Yes, he -- yes, he did, sir.

22 GRAND JUROR: His activity in the community and
23 stuff that you're referring to, and his brother being
24 involved in that you didn't agree upon, what exactly are you
25 talking about?

G. Grisham

1 THE WITNESS: What I'm making reference to is the
2 activity in underage drinking, underage tobacco use, drug
3 use, the selling of drugs, the use of drugs on campus. And
4 providing minors -- even though they were minors themselves,
5 the providing minors with tobacco and alcohol and drugs.

6 GRAND JUROR: Okay.

7 GRAND JUROR: That's it.

8 GRAND JUROR: That's it for me.

9 MR. FRASIER: Mr. Mercer, I believe that's all
10 the questions we have for you. Thank you for coming in and
11 going to the DA's office there to help us out here. We
12 appreciate you appearing and testifying here today.

13 THE WITNESS: Well, I'm glad to do it. And --
14 and please know that I am -- I am sorry that I could not make
15 the trip and be there in person. But if there is anything
16 that I can do to -- to help the people of Coquille in this
17 situation, please let me know, and I will try to make myself
18 available as best as I possibly can.

19 MR. FRASIER: All right. We appreciate that,
20 sir. Thank you, and we'll turn off the recordings at this
21 time.

22 **TESTIMONY OF GEORGIA GRISHAM**

23 (Witness sworn.)

24 BY MR. FRASIER:

25 Q. Ma'am, this is the grand jury for Coos County,

S. Nelson

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1 GRAND JUROR: Thank you.

2 **TESTIMONY OF SHARON NELSON**

3 (Witness sworn.)

4 BY MR. FRASIER:

5 Q. Okay, ma'am. This is the grand jury for Coos
6 County, and they're looking into the death/disappearance of
7 Leah Freeman --

8 A. Okay.

9 Q. -- in the year 2000.

10 It's obvious, but I got to tell you I'm recording
11 everything.

12 A. Okay.

13 Q. First of all, could you tell us your name and
14 your occupation.

15 A. My name is Sharon Nelson, and I'm employed by the
16 Coquille School District. I'm currently in the capacity of
17 high school principal.

18 Q. How long have you been the principal?

19 A. I've been the principal starting my fourth year.

20 Q. Okay.

21 A. I think. (Laughter.)

22 Q. And your husband is Wayne the barber?

23 A. Yes. Wayne "Roxy" Nelson, the barber.

24 Q. Right here?

25 A. Yes. Yes.

S. Nelson

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1 GRAND JUROR: "Free candy Wayne"?

2 THE WITNESS: Uh, and ice cream.

3 GRAND JUROR: You guys have an interesting barber
4 here in town.

5 GRAND JUROR: Yeah.

6 GRAND JUROR: Cute little town we have here.

7 THE WITNESS: Yes, it is.

8 MR. FRASIER: If you want to know anything in
9 town, you go to Wayne's shop.

10 GRAND JUROR: Yeah.

11 THE WITNESS: I go check to see to how well I've
12 done, too.

13 MR. FRASIER: Okay. (Laughter.)

14 BY MR. FRASIER:

15 Q. I want to go back to the year 2000, the school
16 year of 1999/2000. What was your capacity with the school
17 district then?

18 A. I was teaching at the high school, teaching
19 health and P.E.

20 Q. And did you know Nick McGuffin and Leah Freeman?

21 A. I had them both as students. I -- I believe, and
22 I have not checked the grade books, but I believe I had
23 Leah -- if she was a freshman, she would have been in my P.E.
24 classes. And I do know that Nick was a health student, and
25 so I had him at least one or two terms in my health classes.

S. Nelson

1 Q. All right. Were you aware, during that school
2 year, that at some point in time Nick and Leah began to be a
3 couple, dating?

4 A. Yes. Yes.

5 Q. Boyfriend and girlfriend?

6 A. Yes.

7 Q. What was your observation of that relationship?

8 A. Um, it -- from a teacher's perspective, you know,
9 we try to keep a good eye on our senior-and-freshman couples,
10 because that -- you know that -- that often can lead to
11 some -- mm, I don't want to lead you into thinking bad
12 things, but it is what it is. And when we have freshman
13 girls and senior boys, it makes us be a little bit more
14 cautious. It isn't uncommon. It continues to happen, but
15 some of us who are parents are just a little more mindful
16 to -- to be watchful for those kind of couples.

17 Q. And when you were being mindful of this --

18 A. Mm-hmm.

19 Q. -- what did you see, or what did you observe in
20 relation to this particular couple?

21 A. This particular couple, um, I think over time
22 they had gone from that infatuation period -- it's kind of
23 like a -- a domestic violence case. And I'm -- and I'm going
24 to explain myself because I taught this in my health classes.

25 When they first get together, they're -- there's

S. Nelson

1 that honeymoon phase where everything is lovey-dovey,
2 hand-holding, nice. Nice conversations back and forth. And
3 everyone knows that this couple really enjoys each other's
4 company. And then somewhere during that cycle, they --
5 there's accusations of, you know, whatever. And -- and
6 there's some confrontation.

7 Nick and Leah, not unlike any other couples, you
8 know, sometimes would express their arguments to the point
9 that you could hear them. You would see them.

10 I'm not sure how often, but it's very, very
11 possible that they would break up to make up. That that's --
12 that's a common pattern. And I don't believe that Nick and
13 Leah were -- were -- I think that's just -- was their
14 relationship.

15 During the course of the time that they were
16 together -- and I absolutely don't know what that was,
17 because being in the Coquille School District for thirty-plus
18 years, time does mesh. But during the course of that school
19 year, especially during the springtime, that they were --
20 they were a couple that often would fight. They would fight
21 in the parking lot. Yelling at -- at each other. And then,
22 next thing we knew, they were back together and lovey-dovey
23 again. So that cycle was -- was what I would see as their
24 pattern of -- of togetherness in their relationship.

25 Q. I guess I don't know how to word this --

S. Nelson

1 A. Mm-hmm.

2 Q. -- but I guess I'll just try to -- from what you
3 could see, did this appear to be a healthy, appropriate
4 relationship, or was it doomed to failure?

5 I don't know how else to put it. (Laughs.)

6 A. Well, it -- I've had a chance to think a lot
7 about this, and -- and what I would hope that you understand
8 is that I'm -- I'm trying to recollect things ten years ago.
9 And yet, starting in September, I will have couples that get
10 together and they will go through these cycles. And that's
11 part of a teenage cycle of -- of learning how to communicate
12 in a relationship.

13 And so, it -- it -- in comparison to other
14 couples who get together, this particular couple was --
15 seemed to have more difficulty in -- in good communication,
16 where they -- they could respect each other. It was a lot of
17 yelling and screaming, and they just didn't mature very well
18 in that respect. And that's what I remember from that
19 particular couple.

20 I don't think I answered the question, but I
21 don't want to lead you to -- you know, down different paths.

22 Q. Actually, you did answer it.

23 A. Okay.

24 Q. I don't have any other questions to ask you. Is
25 there anything that you feel the grand jury needs to know

S. Nelson

1 about in this case that, you know, that we haven't talked
2 about here today?

3 A. You know, I've thought a lot about what you may
4 be asking, when I came in --

5 Q. Okay.

6 A. -- because one of the difficulties, you know,
7 have been was, you know, my role back when -- when she first
8 disappeared. And I know that I was contacted just very
9 informally, and notified that -- that she was missing. And I
10 was currently in Newberg at George Fox University taking
11 administrative coursework. And I had come back at -- was
12 asked to come back into town and to talk to Chief Reaves.

13 And I feel bad because I hope that I didn't leave
14 the impression with Chief Reeves that she was a runaway, but
15 I have to admit that I did say, You know, it isn't -- it
16 wouldn't surprise me if they got into a verbal argument,
17 knowing that these kids probably were partiers, and that, you
18 know, she just hasn't come home yet. I don't -- I -- I just
19 want you to understand that I feel horrible because maybe if
20 I had never said that, things could have turned out
21 differently. Um, at least with finding her sooner, for the
22 family's sake.

23 But yet, you need to understand that Leah and
24 Nick, both, were kind of in a -- I guess a love-hate
25 relationship in that pattern. And they were not quiet about

S. Nelson

1 their -- their arguments with one another. And that's -- and
2 that's an important aspect.

3 I never -- never did witness Nick hitting her,
4 but they definitely would be in each other's faces when they
5 argued. And it was bad-language argument. And -- but I
6 never did see any physical violence. But that's just my -- I
7 did not ever see that. I, you know, heard different things.

8 But I also need to let you know that, in ten
9 years, I'm not sure if you were to ask me any other
10 questions, if it's something I heard and now think that's
11 what I remember. That's -- that's what's -- I think, has --
12 has been difficult.

13 But the things that you've asked me, I -- I have
14 very clear recollection of some of this -- this pattern,
15 because those were things that I remembered, thinking back
16 about, wow, could -- could something really bad have -- have
17 happened. And ultimately it ended up that it -- it did turn
18 out really bad for Leah.

19 So, I just wanted you to know that that's -- that
20 was something that has really bothered me. That -- that
21 she -- she could have very easily gone, slept it off -- a
22 party. Um, not informed her mom, and not come home, and then
23 come home a couple days later.

24 So -- but that's all I know.

25 GRAND JUROR: I have a question.

S. Nelson

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1 THE WITNESS: Yes.

2 GRAND JUROR: We've at least heard rumors, if not
3 facts, that people at the high school were reluctant to talk
4 to the police at first, were told to keep quiet. Do you know
5 anything?

6 THE WITNESS: Boy, no. I -- in fact I, like I
7 said. In fact the phone call came to me at George Fox in my
8 apartment, from Wayne, who said, You need to get ahold of
9 Chief Reaves; Leah Freeman's missing.

10 GRAND JUROR: From Wayne?

11 THE WITNESS: From Wayne, my husband.

12 GRAND JUROR: The barber.

13 THE WITNESS: The barber.

14 GRAND JUROR: Wayne the barber.

15 THE WITNESS: The barber.

16 And -- and so I did. I called Chief Reaves,
17 and -- and --

18 GRAND JUROR: Okay.

19 THE WITNESS: -- and said, Wow, what's -- what's
20 going on?

21 GRAND JUROR: You never heard anything about --

22 THE WITNESS: I -- I --

23 GRAND JUROR: -- people being reluctant to talk?

24 THE WITNESS: Shoot. I don't know anything --
25 no, I had not heard anything like that.

S. Nelson

1 GRAND JUROR: Okay.

2 THE WITNESS: I just know that I talked to him.

3 GRAND JUROR: Okay.

4 THE WITNESS: And he didn't have a problem asking
5 me questions at that time. I think it was in McKay's parking
6 lot. I don't know, maybe he was doing something --

7 MR. FRASIER: I think the allegation was, just to
8 clear it up, it wasn't that employees of the district or
9 adults were --

10 THE WITNESS: Mm-hmm.

11 GRAND JUROR: There -- there were some
12 allegations floating around at the time that the kids were
13 told not to talk to the police by somebody. And --

14 THE WITNESS: I see.

15 MR. FRASIER: And do you recall or --

16 THE WITNESS: No.

17 MR. FRASIER: -- know anything about that?

18 THE WITNESS: No.

19 MR. FRASIER: Okay.

20 THE WITNESS: No. Good to know.

21 MR. FRASIER: Okay.

22 GRAND JUROR: The real question is, what has
23 Wayne the barber heard? (Laughter.)

24 THE WITNESS: You know, Wayne and I have talked
25 about this, obviously, a whole lot. And Wayne hears a lot of

S. Nelson

1 things, and I hear a lot of things, but neither one of us
2 were there. And what I have said, in this case or any other
3 case that -- that turns out tragically for -- for families,
4 if you know something, shame on you for not coming forward.
5 If you're hearing something, and you've heard it second-,
6 third-, or fourth-hand --

7 GRAND JUROR: Don't repeat it.

8 THE WITNESS: -- who -- who did you hear it from,
9 and -- and what value is it? Because what I do know in this
10 town is that -- that you hear something and it's like the old
11 grapevine. By the time it comes all the way back to here,
12 boy, it's completely different. But yet it's gospel by the
13 time this person hears it. And so that's -- I understand
14 your -- your difficult challenge, because I think that's what
15 some of this is.

16 I also know, being -- you know, being a high
17 school educator, that -- that there -- there is admission, at
18 least on some kids' parts, that they were in attendance where
19 these kids were under-age drinking and doing some other
20 drugs. And so that element alone is going to keep a lot of
21 people quiet. And that -- that messes up a lot of stuff.
22 Had it not had alcohol and drugs with under-age folks who
23 thought they could get busted, and all the -- all the layers
24 that go into that, I think that we may have had a quicker
25 outcome.

M. Nortness

1 That's -- I think that's clouding someone's
2 memory, and their willingness to come forward.

3 MR. FRASIER: Okay. Any other questions for
4 Mrs. Nelson? I'm sure she wants to get back to the high
5 school and back to work.

6 THE WITNESS: Oh, I'm so excited. My third day
7 back. (Laughter.)

8 GRAND JUROR: Hard to contain yourself.

9 THE WITNESS: I know.

10 GRAND JUROR: No kids yet, but those students --

11 **TESTIMONY OF MARK NORTNESS**

12 (Witness sworn.)

13 BY MR. FRASIER:

14 Q. This -- you're aware. I think you probably
15 already know this, sir, but this is the grand jury for Coos
16 County, and they're investigating the disappearance and death
17 of Leah Freeman.

18 It's obvious, but I got to tell you we are
19 recording everything in here today.

20 So, first of all, could you tell us your name,
21 please, and your occupation.

22 A. I'm Mark Nortness. I'm currently the principal
23 at Coquille Valley School in Coquille.

24 Q. Okay. And that's what's sometimes referred to as
25 the middle school?

M. Nortness

1 That's -- I think that's clouding someone's
2 memory, and their willingness to come forward.

3 MR. FRASIER: Okay. Any other questions for
4 Mrs. Nelson? I'm sure she wants to get back to the high
5 school and back to work.

6 THE WITNESS: Oh, I'm so excited. My third day
7 back. (Laughter.)

8 GRAND JUROR: Hard to contain yourself.

9 THE WITNESS: I know.

10 GRAND JUROR: No kids yet, but those students --

11 **TESTIMONY OF MARK NORTNESS**

12 (Witness sworn.)

13 BY MR. FRASIER:

14 Q. This -- you're aware. I think you probably
15 already know this, sir, but this is the grand jury for Coos
16 County, and they're investigating the disappearance and death
17 of Leah Freeman.

18 It's obvious, but I got to tell you we are
19 recording everything in here today.

20 So, first of all, could you tell us your name,
21 please, and your occupation.

22 A. I'm Mark Nortness. I'm currently the principal
23 at Coquille Valley School in Coquille.

24 Q. Okay. And that's what's sometimes referred to as
25 the middle school?

M. Nortness

1 A. What's referred to as the middle school, yes.
2 It's now three through eight, so it's Coquille Valley School.

3 Q. All right. And prior to that you were assigned
4 to the high school?

5 A. I was vice principal and athletic director at the
6 high school from 2000 -- from 1993 to 2000.

7 Q. All right. And during the time frame that you
8 were at the high school, did you become acquainted with an
9 individual named Nick McGuffin?

10 A. I did.

11 Q. And I want to direct your attention, and I don't
12 know -- I probably should have warned you about this, but I
13 didn't. In May of 2000, was Mr. McGuffin, Nick McGuffin --
14 he apparently had been suspended from school, and he came
15 back on the property or something along that line? Do you
16 recall that?

17 A. Yeah, I think I -- there's -- have some
18 recollection of the fact that there was some disciplinary
19 matter in May that required a suspension for a period of
20 time.

21 Q. And were you informed by a Mr. Sterrett that Nick
22 was back in the hallway between classes and had refused to
23 leave the building?

24 A. I don't recall that specific detail.

25 Q. Okay.

M. Nortness

1 A. Oh, yeah.

2 Q. I'll show you that, there.

3 A. Yeah.

4 (Pause.) Okay.

5 Q. Do you remember that incident?

6 A. Somewhat.

7 Q. Okay.

8 A. Somewhat.

9 Q. Could you tell the grand jury about it, please.

10 A. Um, again, the details, I don't know those
11 specific as details of it. I know that when there was --
12 when he was suspended, we had some issues with him returning
13 to campus. I -- my recollection is it had more to do with --
14 with -- with the parking lot. And, um, again, the other
15 details are not clear to me.

16 Q. Okay.

17 A. Sorry.

18 Q. There was one that -- I guess I'll just, to -- he
19 was in the building, and you saw him. And you said, Hold on.
20 You were telling him to leave, and --

21 A. Okay. That's where it may have init -- initially
22 occurred --

23 Q. Okay.

24 A. -- and it spilled over to the parking lot.

25 I think I was -- again, I -- it's been ten years,

M. Nortness

1 and I'm not --

2 Q. Okay.

3 A. Um, you know, that -- there -- there were words
4 exchanged. And I was asking if he would leave the building,
5 and -- and he became very confrontational. I had a tough
6 time directing him out of the building, and -- um.

7 Q. He had a girlfriend at that time named Leah
8 Freeman. Were you -- did you -- were you aware of this
9 relationship?

10 A. Yes, I was.

11 Q. Did it appear that the reason he kept coming back
12 on campus or whatever was because he wanted to see Leah?

13 A. Yeah, I believe so. I believe he was in that
14 particular part of the -- of the hall because that was a
15 freshman hall. I knew of their relationship and I knew
16 that -- that that would -- and I -- as -- I believe that he
17 was there actually to see her. Yes.

18 Q. Okay. Did you have an opportunity to see these
19 two together as a couple there at the high school?

20 A. I did, you know, whenever I --

21 Q. What was the --

22 A. I'm sorry.

23 Q. What was their relationship like?

24 A. Um, you know, my recollection was that it was
25 the -- it was one of those senior-to-freshman relationships

M. Nortness

1 that we all -- we -- we -- we were really concerned about. I
2 felt that there was definitely sort of -- sort of dominance
3 there. I think that, if I recall, there -- I -- I didn't
4 feel he treated her very well. I felt there was a lot of --
5 that he was -- he was -- and I think he talked down to her.

6 I think on one -- there was one incident where
7 I -- I believe he physically grabbed her. And -- and there
8 was another incident where I saw him actually lift her up and
9 push her over and do some things. And I just -- it was -- it
10 was difficult, again, as it was always difficult with
11 freshmen and senior boys. And this was one that it just
12 really stood out in my mind.

13 Q. Okay.

14 A. Yep.

15 MR. FRASIER: I don't think I have anything else
16 to ask Mr. Nortness. Does the grand jury want to ask him
17 anything?

18 GRAND JUROR: When is registration? (Laughter.)

19 Never mind.

20 GRAND JUROR: Did you have Wayne as a student?
21 Or in the -- or while -- were you in the school?

22 THE WITNESS: Wayne McGuffin? Yes, I did. Yeah.

23 GRAND JUROR: What were your impressions of
24 Wayne?

25 THE WITNESS: Um.

M. Nortness

1 GRAND JUROR: Do you recall?

2 THE WITNESS: You know, boys -- both boys, you
3 know, tended -- tended -- there were -- there were -- there
4 were quite a few fights involving those boys. And I don't
5 know how much you want me to go into the really --

6 GRAND JUROR: You can tell me whatever you want.
7 I'm curious.

8 THE WITNESS: Just sort of freely speak on that?
9 I don't want to just go --

10 MR. FRASIER: Yeah, you can. Go ahead.

11 THE WITNESS: Okay. Um, yeah. Again, we had
12 issues with the boys fighting and taking responsibility for
13 their actions. And some -- some possible drug use going on
14 at that time with those guys. But I think between the two
15 boys, if we're comparing the two, that Nick was much more
16 sort of volatile, impulsive, and -- I definitely had issues
17 with Nick. I think it was the incident Paul was referring to
18 where -- where actually our principal had asked me to back
19 off that because I, you know -- in fact, our principal dealt
20 with Nick from then on until he graduated. So -- so, yes, I
21 did have my -- I'm sorry if I got away from your --

22 GRAND JUROR: No, that's okay.

23 THE WITNESS: That.

24 MR. FRASIER: Any other questions for
25 Mr. Nortness?

D. Dennis

1 Okay. That will do, sir.

2 THE WITNESS: Thank you.

3 GRAND JUROR: Thank you.

4 GRAND JUROR: Get back to work. (Laughter.)

5 **TESTIMONY OF DONNA DENNIS**

6 (Witness sworn.)

7 BY MR. FRASIER:

8 Q. First of all, ma'am, this is the grand jury for
9 Coos County, and they are investigating the disappearance and
10 death of Leah Freeman. I've got to tell you that we're
11 recording everything here today.

12 A. Okay.

13 Q. All right. First of all, could you tell us who
14 you are and what city you live in.

15 A. My name is Donna Dennis, and I live in Coquille.

16 Q. How long have you lived in Coquille, ma'am?

17 A. Since 1972.

18 Q. And I take it you have some grandchildren?

19 A. Yeah, a lot of them.

20 Q. Okay. You have one named Mike Dennis?

21 A. Yes, I do.

22 Q. The reason I've asked you here, ma'am, is I have
23 information that you were picking up your grandson Mike at
24 Coquille High School in the year 2000, and you saw an
25 incident in the parking lot.

P. Smith

1 police scanner was Leah. And not -- you know what I mean?

2 It was a tweaker house.

3 GRAND JUROR: Okay.

4 THE WITNESS: Tweakers listen to the scanner.

5 GRAND JUROR: Just to be sure you weren't --

6 THE WITNESS: They --

7 GRAND JUROR: -- going to be caught?

8 THE WITNESS: -- they carry them all around the
9 street, you know what I mean? It's not because -- I mean, it
10 wasn't my house. I don't know if that was a reason it was
11 put in or not, but I would assume that it was because of the
12 drugs that were involved. Like I say, it was pretty
13 prevalent when we were kids, you know. People change.
14 Obviously, I weigh 300 pounds, you know?

15 (Laughter.)

16 MR. FRASIER: Any other questions?

17 Okay. That will do it. You're free to go.

18 THE WITNESS: Have a good day, you guys.

19 GRAND JUROR: Thank you.

20 **TESTIMONY OF PAMELA SMITH**

21 (Witness sworn.)

22 BY MR. FRASIER:

23 Q. First of all, this is the grand jury for Coos
24 County, and they are looking into the disappearance of Leah
25 Freeman.

P. Smith

1 A. Mm-hmm.

2 Q. First thing I got to tell you is we're recording
3 everything, all right?

4 A. I had no idea. (Laughing.)

5 Q. Okay. All right. First of all, could you tell
6 us your name, please, and where you live.

7 A. Pamela Smith. 929 Anderson.

8 Q. And you're the daughter of Polly Parks?

9 A. Sure enough.

10 Q. At the time that Leah Freeman disappeared in the
11 year 2000, how old would you have been?

12 A. In the year 2000, it was July-ish, I would have
13 been ten. Nine, ten.

14 Q. All right. Now, your mother, in the year 2000,
15 was pretty much into the drug scene; would that be right?

16 A. For about 10 months, she was pretty hard core
17 into it, yeah.

18 Q. Methamphetamine use and so forth?

19 A. Yes.

20 Q. Did she use around you?

21 A. Um, no. I was -- any time anybody ever came
22 around, I was either in the other room or I was at the
23 neighbor's house. I was kept pretty well away from it.

24 Q. All right. Do you know who Nick McGuffin is?

25 A. I know the -- the first name. I couldn't put a

P. Smith

1 face to it but, yeah.

2 Q. Wayne McGuffin?

3 A. Again, the name.

4 Q. Okay. Ricky Crooks?

5 A. That one I could put a face to, I think. I'm
6 pretty sure.

7 Q. The guy that was just in here, Brett Mauro?

8 A. Yeah.

9 Q. Okay. Do you recall while you were -- that
10 summer, while you're at home, do you recall these guys being
11 over at your house?

12 A. Yeah. A lot. (Laughing.)

13 Q. A lot? Okay. Did you ever hear them talking
14 about Leah Freeman and what happened to her?

15 A. Before she was actually discovered -- or before
16 Nick said that she was missing, there wasn't a whole lot of
17 talk --

18 Q. Okay.

19 A. -- about Leah. I had no idea who she was. My
20 mom met her just a couple weeks before she was missing.

21 Q. Okay. What about after she was missing? Was
22 there --

23 A. After she went missing, it was kind of like a
24 brainstorming session for a few weeks to place people that
25 had been in the house. My mom started actually looking at

P. Smith

1 people as, you know, being murderers and stuff like that.

2 She pretty much cleaned house after that.

3 Q. All right. Do you recall any discussions where
4 Wayne, Nick, Ricky, and Brett were involved, talking about
5 Leah?

6 A. Not Nick.

7 Q. Okay.

8 A. But Wayne, Ricky, and Brett was there. I wasn't
9 in the room, so I can't specifically say who was talking, but
10 I know that they were there.

11 Q. When you say they, it's Wayne --

12 A. Wayne, Ricky, and Brett.

13 Q. Okay. What do you remember being said?

14 A. That Leah was taken care of, and she was in a
15 basement somewhere, and they didn't know what to do with her.

16 Q. Did you hear anybody else talk about Leah?
17 Anything else that was said about her?

18 A. (Pause.) Like -- (Laughing.)

19 That she hadn't cooperated -- well, I don't know.
20 It -- it was a huge discussion, and I was only paying like
21 part-way attention to it because I was a kid and I didn't
22 know any better. It was kind of like a TV show to me --

23 Q. All right.

24 A. -- at the time.

25 And I had -- I heard them talking just about her

P. Smith

1 not being there, and that they needed to do something with
2 her, and that she was taken care of. I remember them using
3 Nick in the conversation, but they didn't use his name.

4 Q. Okay. Has anybody told you that they killed Leah
5 Freeman?

6 A. No.

7 Q. Has anybody told you that they were there and saw
8 what happened to her?

9 A. No.

10 Q. Anything else, other than what we talked about
11 here today, that you think the grand jury should know about?

12 A. (Pause.) It was a really hard time in my life.
13 (Laughing.) I don't know. Not really about the case
14 specifically, because it was almost irrelevant to me at the
15 time, being a 10-year-old kid.

16 MR. FRASIER: Okay. I don't have any other
17 questions for this witness. The grand jury want to ask her
18 anything?

19 GRAND JUROR: You said --

20 GRAND JUROR: I had a question. Did the -- who
21 drove these guys to your house, do you remember?

22 THE WITNESS: Brett.

23 GRAND JUROR: Brett.

24 THE WITNESS: Brett was the driver. He --
25 because Nick didn't drive, and Ricky didn't drive. And when

P. Smith

1 they were all together, they would all come together. And
2 Brett was usually there.

3 GRAND JUROR: You said that they referred to
4 someone who you think was Nick.

5 THE WITNESS: Mm-hmm.

6 GRAND JUROR: When they had their conversation.
7 What did they -- how did they refer to him? What did they
8 say about him?

9 THE WITNESS: They called him "Dog." They, they
10 used a different name. Like they talked about him
11 consistently in their conversation, but they didn't use his
12 name. They, you know, like just, Dog did this, and -- you
13 know.

14 GRAND JUROR: Were they saying that "Dog" had
15 something to do with her death?

16 THE WITNESS: Not at the time, no. Because this
17 was before -- this conversation was before Nick come over and
18 said that she was missing.

19 MR. FRASIER: Okay. Let's stop for a second. I
20 need to change the tape.

21 (Pause.)

22 BY MR. FRASIER:

23 Q. Okay. I've changed the tape. I want to back up
24 a little bit. You were saying that this conversation where
25 they were referring to the Nick, it was like Dog did this and

P. Smith

1 Dog did that.

2 A. Mm-hmm.

3 Q. And then you said, if I understood you correctly,
4 that this conversation occurred before you knew that Leah was
5 missing?

6 A. Yes.

7 Q. So -- okay.

8 GRAND JUROR: Is that the same conversation in
9 which they said that things were -- she, or something, or
10 things were being taken care of.

11 THE WITNESS: Mm-hmm. That was the same
12 conversation. It was before Nick had come to our house and
13 said that Leah was missing.

14 GRAND JUROR: So, it -- and when did Nick -- how
15 much after -- when did Nick come to the house and say that
16 she was missing? Do you remember, was it --

17 THE WITNESS: It was about a week later.

18 GRAND JUROR: About a week later.

19 GRAND JUROR: You hadn't -- you hadn't heard
20 before then that Leah was missing?

21 THE WITNESS: I didn't know Leah. I didn't know
22 anybody. I was sitting my bedroom one night, and I overhear
23 this conversation that they're having. And I -- I had no
24 idea, you know, what they were talking about really, but I
25 did overhear it. Um, it was kind of interesting because I --

P. Smith

1 it's not everyday conversation that people talk about
2 somebody being taken care of. And --

3 GRAND JUROR: Something about a basement, and --

4 THE WITNESS: That she -- she was in a basement,
5 and she was being looked after. Being taken care of.

6 GRAND JUROR: Something about she hadn't
7 cooperated well? That --

8 THE WITNESS: There was -- before the
9 conversation, people would come over and they would be so
10 excited about this acid party that was coming up. This party
11 that was supposed to bring everybody together. Nobody really
12 liked Leah, and it was supposed to just make everybody cool.
13 And, what I heard -- I don't know if it's rumor or not, but
14 what I heard was that she didn't cooperate at the party, and
15 she either OD'd or she got really angry with them feeding her
16 the drugs. And they tied her up or strangled her or
17 something like that.

18 GRAND JUROR: This you heard after -- years
19 later?

20 THE WITNESS: It was around the same -- it was
21 probably about a month or two.

22 GRAND JUROR: Okay. So there was somebody in the
23 house probably talking?

24 THE WITNESS: There was a lot of talk.

25 GRAND JUROR: Okay.

P. Smith

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1 GRAND JUROR: Do you recognize the name Bill
2 Sero? Or Tom Stemmerman?

3 THE WITNESS: Stemmerman? Yes. And what was the
4 first one?

5 GRAND JUROR: Bill Sero.

6 THE WITNESS: Bill Sero. Yeah, I do. I
7 recognize the name, but I wouldn't be able to put --

8 GRAND JUROR: A face with it?

9 THE WITNESS: No. Before about two months ago,
10 none of this stuff had even been brought up in 10 years,
11 so --

12 GRAND JUROR: Did they ask you questions at the
13 time? Were you asked questions that young?

14 THE WITNESS: No, not back then. My mom was an
15 informant, so --

16 GRAND JUROR: Right. And you were 10 years old,
17 yeah.

18 THE WITNESS: Yeah.

19 GRAND JUROR: I see.

20 (Pause.)

21 MR. FRASIER: Any other questions?

22 Okay. That will do it.

23 GRAND JUROR: Thank you.

24 THE WITNESS: All right. Am I dismissed?

25 MR. FRASIER: Yes.

H. Pizzola

1 THE WITNESS: Okay. (Laughing.)

2 **TESTIMONY OF HEATHER PIZZOLA**

3 (Witness sworn.)

4 THE WITNESS: Yes, but I was also told I could
5 read my deposition to see what I said, because I don't really
6 remember what happened 10 years ago.

7 GRAND JUROR: But just what you're going to tell
8 us today is to the best of your knowledge --

9 THE WITNESS: Right, yes.

10 GRAND JUROR: -- all true? Nothing but the
11 truth, so help you God?

12 THE WITNESS: Yes.

13 GRAND JUROR: Thank you.

14 THE WITNESS: Thank you.

15 BY MR. FRASIER:

16 Q. Did the officers talk with you outside?

17 A. No.

18 Q. Okay. Well --

19 A. Because I asked that on the phone when I talked
20 to one of them here like a week ago, because I don't really
21 remember --

22 Q. Okay.

23 A. -- a lot, really.

24 Q. Well, first of all, this is the grand jury for
25 Coos County. They are looking into the death and

P. Parks

1 Brent Bartley was so drunk he couldn't remember.

2 MR. FRASIER: Okay. Anything else? Okay.

3 Ma'am, that will do it.

4 GRAND JUROR: Thank you.

5 THE WITNESS: Okay.

6 MR. FRASIER: Thank you.

7 **TESTIMONY OF PAULINE "POLLY" PARKS**

8 (Witness sworn.)

9 BY MR. FRASIER:

10 Q. Okay, ma'am. First of all, this is the grand
11 jury for Coos County, and we're looking into the
12 disappearance and death of Leah Freeman. I need to tell you
13 too that the proceedings are being recorded. Okay?

14 A. Yes.

15 Q. First of all, could you tell us your name and
16 where you live.

17 A. My name is Pauline Parks. I live at 929 Anderson
18 in Coos Bay, Oregon.

19 Q. And how long have you lived at -- on that address
20 in Anderson?

21 A. Um, since November of 2009.

22 Q. And prior to that, have you lived in the Coquille
23 area?

24 A. No.

25 Q. Okay. Where have you lived?

P. Parks

1 A. I lived -- prior to that, I lived at 63346
2 Shinglehouse in Coos Bay, Oregon.

3 Q. Okay. Do you know an individual named Nick
4 McGuffin?

5 A. Yes, I do.

6 Q. Do you know Wayne McGuffin?

7 A. Yes.

8 Q. How do you know these two individuals?

9 A. They, um, used to come to my house and party.

10 Q. All right. Ricky Crook. Do you know Ricky
11 Crook?

12 A. Yes.

13 Q. And how do you know Mr. Crook?

14 A. The same.

15 Q. Did you ever meet or know Leah Freeman?

16 A. I met her once.

17 Q. And how did you meet Leah?

18 A. Uh, Nick brought her over to the house and
19 introduced her to me.

20 Q. Okay. I don't mean to embarrass you, but I think
21 we need to talk about this. In the year 2000, you were
22 pretty heavily involved in using meth and marijuana; is that
23 correct?

24 A. Correct.

25 Q. And did you meet Nick McGuffin through Ricky

P. Parks

1 Crook?

2 A. I did.

3 Q. All right. The methamphetamine. How did you --
4 where did you get the methamphetamine that you were using?

5 A. Most of the time it came, um -- it was delivered
6 to my house always, but it came through Nick and Wayne and
7 Ricky and Brett.

8 Q. Brent?

9 A. Brett.

10 Q. Brett? Okay. Brett --

11 A. Mauro.

12 Q. Mauro. Okay.

13 A. He was their driver.

14 Q. He was the driver.

15 In your presence, did Nick use methamphetamine?

16 A. Yes.

17 Q. And was he using it prior to Leah Freeman's
18 disappearance, at your house?

19 A. Yes.

20 Q. Okay. How did you find out that Leah had
21 disappeared?

22 A. Um, Nick and Ricky and Wayne came to my house one
23 night and said that she had been missing about a week, and
24 that they didn't know where she was at. And that, uh -- I
25 don't know, this is -- yeah. It was about a week after her

P. Parks

1 disappearance that Nick showed up at the house and told me
2 that she had been missing.

3 Q. Okay. How was he behaving when he's telling you
4 that?

5 A. Um, not like somebody that had a girlfriend
6 missing. He was talking about, uh, he was really horny and
7 needed a piece of ass.

8 Q. Okay. Did you have a police scanner?

9 A. Yes, I did.

10 Q. Did Nick ever come over and listen to your
11 scanner?

12 A. Yes.

13 Q. Could you describe this for us. You know, was it
14 before the body was found, after the body, how -- tell us
15 what was --

16 A. Nick -- Nick came over -- started coming over
17 after Leah was missing, occasionally. Whenever -- whenever
18 the FBI would talk to people, then he'd come over and listen
19 on the scanner. Whenever the FBI showed up at my house,
20 later on that day Nick would be there to listen to the
21 scanner.

22 Um, the one time I remember the most was when --
23 was right after the FBI had left, and I had told them where I
24 had heard that her body had been laying. And Nick came over
25 that night and did nothing but zone in on the scanner.

P. Parks

1 That's the first time I can remember he didn't want to get
2 high, he just wanted to listen to the scanner.

3 Q. Okay. Excuse me a moment.

4 (Pause.) You mentioned that you had been told
5 where Leah's body would be found. This was prior to the body
6 actually being found that you were told this?

7 A. Yes.

8 Q. And who told you where the body would be found?

9 A. It was ten years ago. I don't remember
10 everybody. But it was Nick and Wayne and Ricky, is the three
11 I really remember. There was somebody else there, but I
12 don't remember who it was. And they just basically described
13 a house, uh, some residence, and where -- how -- where and
14 how the body was supposedly laying down there.

15 Q. And did -- were names with roads or anything like
16 that mentioned?

17 A. Not that I remember. I remember being able to
18 tell the person I was giving the information to, I remember
19 being able to tell him, you know, the way they described it.
20 I don't go up Fairview, so they -- I -- the roads wouldn't do
21 me any good.

22 Q. Okay.

23 A. Okay. So I remember them being able to describe
24 how to get to the house, and where the body would be found,
25 and what the house was supposed to look like. You know, I

P. Parks

1 felt confident enough that I could describe where the house
2 was at, and what the house looked like, because it seems like
3 they even gave me the color of the house. And that she was
4 down off of a bank. And that's where her body was.

5 Q. Okay. Tell us, to the best of your recollection,
6 what this description was.

7 A. I thought hard about it. Um, you know, and I
8 really apologize. I was doing a lot of drugs back then, and
9 some things in my mind, uh, they don't let me remember
10 everything, all of -- all day. Um, I really apologize.
11 (Crying.) Um.

12 All I remember was like a ranch house, and it had
13 a fence. And there was a gravel -- gravel pit. And she was
14 down over there. And they thought it was funny, because they
15 went and checked on the body a couple of times, and the body
16 was there. And the cops had went out there and looked and
17 didn't see it. And -- I don't know. Um.

18 Q. Was the road described like it was a paved or
19 gravel --

20 A. It was a gravel road, is what I had then -- I had
21 been to lead to believe, instead of -- there was a lot of
22 talk about gravel, is basically what I remember. And the
23 gravel --

24 Q. And this house, when it was described, do you
25 remember what color was used to describe it?

P. Parks

1 A. Um, you know, not off that, no.

2 Q. Okay. But there was something about a fence?

3 A. There was a fence. It was -- it was like a wire
4 fence with posts.

5 Q. And you went by this house, and this fence, and
6 then --

7 A. I didn't go by it.

8 Q. Well, I mean in the description that you were
9 given. You go by the house, the fence, and then they'd come
10 up to where the body was? Is that how it was described to
11 you?

12 A. No.

13 Q. Okay.

14 A. No. It was like -- it wasn't really described
15 that way, whether it was on this side of the house or the
16 other side of the house.

17 Q. All right.

18 A. It was just the house and the gravel pit, and
19 where it would be in association.

20 Q. Okay. Where would the body be in association
21 with the house?

22 A. There was just -- I don't know. Uh, the house --
23 you would come -- okay. This is really -- I don't really
24 understand whether it was on which side of the house. So all
25 I know is that they said that you could park the car. There

P. Parks

1 was a house and a fence off to this side.

2 And there was a gravel pit down here. And it was
3 just over -- I don't -- because I never understood whether it
4 was a pit. To me a gravel pit is a great big place where you
5 go get gravel. This seemed like they were telling me it was
6 just over this gravel bank.

7 Because at first her -- she was up here, and they
8 made sure she was down further, so that she wouldn't be right
9 next to the road.

10 GRAND JUROR: Now, this is a -- the conversation
11 that you overheard Nick, Wayne, and Ricky having?

12 THE WITNESS: Yeah.

13 GRAND JUROR: They told you, or it was a
14 conversation?

15 THE WITNESS: It was a conversation they were
16 having in my front room. My front room -- I would sit over
17 here, and they sat over in front of my TV across the room
18 from me, so it was not uncommon for them to talk --

19 GRAND JUROR: Mm-hmm.

20 THE WITNESS: -- you know. Because there was
21 always a lot of people there, you know. And when Ricky and
22 all them come, then they would just grab chairs and sit down
23 in the middle of the floor. So it was easier for them to sit
24 and talk, you know, sometimes --

25 BY MR. FRASIER:

P. Parks

1 Q. You say that you --

2 A. -- by themselves. And I'd already -- I had
3 already been talked to by the FBI at that point, and, you
4 know, told them that I didn't have a problem keeping my ears
5 open.

6 And that's what I did, is whenever I heard any of
7 those guys say anything I thought might help, I jotted down
8 what I explained to officers is what I call crack notes,
9 because I was a crackhead.

10 And I also knew that if they seen me writing down
11 stuff, then I'd have to explain what I was doing with them
12 there. So a lot of times I would hear stuff, and then I
13 would have to wait for them to not be in front of me. So --
14 and I would grab paper, and I would write down these little
15 notes to help me remember when I got a chance to go to police
16 officer, what to tell him.

17 Q. Now, in addition to Wayne and Ricky Crook being
18 there during this conversation, was Nick there?

19 A. Um, the night of -- that I found out about the
20 house, Nick was there.

21 Q. Okay. Now, was there any discussions in your
22 house regarding Leah's shoes and where they were found? Do
23 you recall any conversations like that?

24 A. I remember when they found the first shoe, I
25 believe it was the one that was found downtown. I don't

P. Parks

1 remember which one was found. When they found the first
2 shoe, there was a -- there was a comment made at my house
3 that it had been put in the wrong place.

4 Q. Now --

5 A. That that's not where it was supposed to have
6 been put.

7 Q. Who was there when this comment was made? Do you
8 recall?

9 A. Pretty much -- it was Wayne, Ricky, I want to say
10 Nick was there, and so was Brett.

11 Q. Okay. There was another shoe found on Hudson
12 Ridge. Was there any conversation about that, do you recall?

13 A. That's the one up by -- um, they did have a
14 discussion about it. And it -- it was -- not a whole lot.
15 They tried saying that the police officer that found the shoe
16 had planted the shoe there, was one thing. And, uh, that
17 they had hid -- was not in the right place.

18 Q. Okay.

19 A. The shoe was not in the right place, was what it
20 was with that one. It wasn't in the right place.

21 Q. Okay.

22 GRAND JUROR: So that was the story for both
23 shoes?

24 THE WITNESS: One was put at the wrong place, the
25 other was not in the right place. Like, it may have --

P. Parks

1 should have been found somewhere else in that same area. The
2 other one I don't believe was supposed to have been left
3 along the road, was what I thought.

4 BY MR. FRASIER:

5 Q. And again, the people that are involved in this,
6 while this conversation is going on you're talking about, is
7 Wayne McGuffin, Nick McGuffin, Ricky Crook, and Brett Mauro?

8 A. That was all there.

9 GRAND JUROR: Brett Mauro or Brent Bartley?
10 Brett Mauro?

11 THE WITNESS: Brett Mauro is the one that always
12 brought them over to the house. They rode in the back of his
13 truck all the time. They -- Wayne and Ricky would climb in
14 the back.

15 GRAND JUROR: What kind of truck did he have?

16 THE WITNESS: It was a little truck, like a
17 Datsun, or -- just a little vehicle. Because it looked
18 really funny because Wayne's pretty large, and Brett was
19 pretty large, and stuff. And to see this little tiny truck
20 with these -- all these people and, you know, roust -- robust
21 people coming out of it, was --

22 GRAND JUROR: Do you remember what color that
23 truck was?

24 THE WITNESS: You know, um -- white? Yellow?
25 Light colored.

P. Parks

1 (Pause.)

2 BY MR. FRASIER:

3 Q. Outside of what you told us here today, has
4 anybody told you that they killed -- or that -- has anybody
5 told you that they killed Leah Freeman?

6 A. No.

7 Q. Has anybody told you that they saw what happened
8 to Leah Freeman?

9 A. Um, in that -- in that year, that couple years,
10 yeah. There was a lot of people -- a lot of people that tell
11 me that they knew what happened.

12 Q. They knew what happened, but did anybody say I
13 was there and I saw what happened to her?

14 A. Yes.

15 Q. Who?

16 A. Um, like I said, a lot of people. I had Micaela
17 Knight (phonetic) tell me she was there. Alicia Michaud told
18 me she was there.

19 Q. Okay.

20 A. You know, for two of them.

21 Um, Steve Robeson (phonetic) said he was there.

22 And, let's see, basically that whole group. It
23 was -- it was -- there was so many people. Uh -- little
24 Josh -- um.

25 Q. Josh Ernler?

P. Parks

1 A. That's the one. You know, that said he was -- he
2 was at that party and he knew what had happened. And stuff.

3 There was a -- people said that they drove by the
4 body, and seen the body. And in my mind, back then, that
5 meant that they had to have known what had happened that
6 night in order to drive by to see what had happened, you
7 know.

8 Q. Who said they drove by and saw the body?

9 A. Um, there was -- Alicia told me, Micaela told me,
10 and Bill Sero. All three said that they had drove by and
11 seen the placement of the body, and had checked on her. One
12 of them came back and told -- sat at the house, and said that
13 they had taken -- had taken pliers and pulled her braces off.

14 MR. FRASIER: Okay.

15 GRAND JUROR: You said "at the party." What
16 party?

17 THE WITNESS: The night that she disappeared,
18 there was supposed to have been a big party that they were
19 all going to. That, um -- it seems like it was acid that was
20 supposed to be coming in out of town. And they were going to
21 have a big -- you know. Smoke a lot of weed, do some
22 drinking, do some meth. And he wanted --

23 GRAND JUROR: Said anybody's house?

24 THE WITNESS: Um, I don't really know whose house
25 it was supposed to be at. Uh, it wasn't something that I

P. Parks

1 would do. When I partied, I partied only at my house and I
2 didn't go anywhere else. So they didn't invite, and stuff.

3 So, um, I don't really know whose. I know, um --
4 I want to say it's a house up the river that a bunch of them,
5 they always partied at and went to. So.

6 GRAND JUROR: But you remember hearing them
7 earlier that day making plans to go the party? Is that --

8 THE WITNESS: Uh, you know --

9 GRAND JUROR: -- how you knew about it?

10 THE WITNESS: I knew that there was a party.
11 Whenever they planned a party, you know, days ahead of time,
12 you know. Um, so you'd hear them talking, and you knew they
13 were having this -- they were going to have this party.

14 And then, that night those kids wouldn't come
15 over, so then I knew that's where they were at, basically.
16 It was a crazy time.

17 GRAND JUROR: And that's what happened that
18 night, too? They didn't come over, so you assumed --

19 THE WITNESS: Right.

20 GRAND JUROR: -- they went to the party?

21 THE WITNESS: Right.

22 (Pause.)

23 GRAND JUROR: You said Brett Mauro was in the
24 house when they were talking?

25 THE WITNESS: Brett was there. Brett was always

P. Parks

1 there, and stuff. Except for -- except for the night that
2 Nick -- Nick came to the house one night just to sit and
3 talk. And pretty much just sit there and get high, listen to
4 the scanner, and bullshit. And he came by himself that
5 night. Nobody came with him.

6 GRAND JUROR: So they drove in the little truck a
7 lot? All the boys?

8 THE WITNESS: Yeah, there was a little truck. It
9 seemed like for a while Brett drove like a little Toyota
10 Corolla kind of car every once in a while. But most of the
11 time it was that little white truck, and the -- because it
12 doesn't -- the little car doesn't hold very many people. And
13 people would just come out of -- you know, Ricky and the guys
14 would crawl out of the back, and --

15 GRAND JUROR: Did it have a camper top or
16 something?

17 THE WITNESS: No.

18 GRAND JUROR: Okay.

19 GRAND JUROR: Did you know Wayne very well? His
20 brother? Nick's -- Wayne?

21 THE WITNESS: Wayne?

22 GRAND JUROR: McGuffin?

23 THE WITNESS: It was -- probably better than I
24 knew Nick.

25 GRAND JUROR: Okay.

P. Parks

1 THE WITNESS: And stuff. Because Wayne would
2 come over and -- and BS and talk more than Nick would. And
3 Nick was more -- I don't know how to explain it. Nick was
4 more reserved and quiet, where Wayne was more laughing and
5 outgoing. You know, just normally. So, yeah, I probably
6 could say I knew Wayne a little bit better just because we
7 talked more.

8 GRAND JUROR: Did he -- how did he come across to
9 you? You say in these conversations that you overheard where
10 they're talking, that Wayne was at most of those
11 conversations, as far as you know?

12 THE WITNESS: Mm-hmm.

13 GRAND JUROR: The ones where they were saying
14 where the shoe might have been dumped.

15 Now, would those conversations perhaps have been
16 after they'd been talked about on the scanner, and they were
17 making comments about it, as far as you know?

18 THE WITNESS: No, I don't believe so. I don't
19 believe so. Because a lot of that stuff what -- that they
20 talked about was nothing that was on the scanner.

21 GRAND JUROR: Mm-hmm.

22 THE WITNESS: Because that's what I'd listen
23 for --

24 GRAND JUROR: Okay.

25 THE WITNESS: -- to know what to tell the police

P. Parks

1 officer I was talking to at the time, is if it was on the
2 scanner then the police already knew about it and that's not
3 something I would have to jot down. If it wasn't on the
4 scanner, and I thought it could help, then that's what I
5 jotted down and took to the police officer.

6 GRAND JUROR: What happened to those notes, do
7 you know?

8 THE WITNESS: Um, a couple of them I found and I
9 did turn over to the police officers. The other ones, it's
10 been ten years and I've moved. And they were little notes
11 that as far as I had known -- I even looked here recently for
12 them. I went through everything I have because I was sure I
13 still had all those notes. I kept a lot of things from back
14 then, and just kind of put them away.

15 GRAND JUROR: But you didn't find them?

16 THE WITNESS: I couldn't find them.

17 GRAND JUROR: Did the conversation on the scanner
18 ever pertain to this? Was there ever anything on the scanner
19 that caught their attention, or they were just listening to
20 see if there was something?

21 THE WITNESS: They would listen to anything that
22 was on Leah. The times they found the shoes --

23 GRAND JUROR: Okay.

24 THE WITNESS: -- that was a perk-up, and we'd
25 turn the scanner up and everybody would shut -- shut up more

P. Parks

1 and see where they found them.

2 And then that would start like -- you, you've
3 seen, I'm sure, drunk discussions in between a bunch of
4 drunks. Well, in between a bunch of drug addicts is not too
5 much farther different, you know? And they would sit and
6 they'd kind of bounce it back and forth. It was really, you
7 know -- and that's where you'd hear, well, that's not where
8 that shoe was supposed to be at. That's not the shoe she was
9 wearing that night, this one guy said. I don't know what
10 shoes she was wearing, so -- you know. That wasn't anything
11 I felt significant on.

12 But if there wasn't -- you know, if they were
13 just coming over and sitting, they didn't pay too much
14 attention to the scanner. The scanner was there -- um, I had
15 the scanner previously, before I ever started using. The
16 scanner I used -- if your name came across my scanner more
17 than twice, I didn't allow you in my house. Because that was
18 my safeguard. That was my -- my meth rules, or whatever
19 rules you want to do. We all lay them down for us when we
20 party at our house. That was one of mine. If I heard your
21 name on the scanner, that meant the cops were involved in
22 your life too much and you didn't need to come to my house.

23 GRAND JUROR: So, self-preservation.

24 THE WITNESS: Pretty much. You start putting
25 down rules when you have people come to your house 24 hours a

D. Breakfield

1 day. You start finding little ways that you can kind of give
2 yourself 10 minutes. It's not a good life.

3 MR. FRASIER: Any other questions?

4 Okay. That will do it.

5 GRAND JUROR: Thank you very much.

6 THE WITNESS: Thank you.

7 **TESTIMONY OF DAVID BREAKFIELD**

8 (Witness sworn.)

9 BY MR. FRASIER:

10 Q. Okay. First of all, sir, this is the grand jury
11 for Coos County, and they are looking into the disappearance
12 and death of Leah Freeman. And it's kind of obvious, but
13 we're recording everything in here today.

14 So first of all, could you tell us your name and
15 where you live.

16 A. David Christopher Breakfield. 68681 Ridge Road,
17 North Bend, Oregon.

18 Q. How long have you lived there, sir?

19 A. About six, seven years. I -- I moved out and in,
20 but it's been in my family's name for about 10 years.

21 Q. Okay. Mr. Breakfield, I want to go back a few
22 years ago -- well, did you ever become acquainted with a girl
23 named Megan Edgerton?

24 A. Yes.

25 Q. How did you meet Megan Edgerton?

H. Pizzola

1 THE WITNESS: Okay. (Laughing.)

2 **TESTIMONY OF HEATHER PIZZOLA**

3 (Witness sworn.)

4 THE WITNESS: Yes, but I was also told I could
5 read my deposition to see what I said, because I don't really
6 remember what happened 10 years ago.

7 GRAND JUROR: But just what you're going to tell
8 us today is to the best of your knowledge --

9 THE WITNESS: Right, yes.

10 GRAND JUROR: -- all true? Nothing but the
11 truth, so help you God?

12 THE WITNESS: Yes.

13 GRAND JUROR: Thank you.

14 THE WITNESS: Thank you.

15 BY MR. FRASIER:

16 Q. Did the officers talk with you outside?

17 A. No.

18 Q. Okay. Well --

19 A. Because I asked that on the phone when I talked
20 to one of them here like a week ago, because I don't really
21 remember --

22 Q. Okay.

23 A. -- a lot, really.

24 Q. Well, first of all, this is the grand jury for
25 Coos County. They are looking into the death and

H. Pizzola

1 disappearance of Leah Freeman, okay? It's obvious, but we're
2 recording everything, all right?

3 A. Mm-hmm.

4 Q. First of all, could you tell us your name and
5 where you live, please.

6 A. Heather Ann Pizzola.

7 Q. Okay.

8 A. 442 West 19th Street, Coquille.

9 Q. All right. And have you lived in the Coquille
10 area most of your life?

11 A. Um, as an adult.

12 Q. All right. Do you know a Nick McGuffin?

13 A. Yes, I do.

14 Q. How do you know Nick?

15 A. Um, he played football with my son, I think,
16 Matt. Yeah.

17 Q. All right. Did you know Leah Freeman?

18 A. Yes.

19 Q. And how did you know her?

20 A. Um, she was Nick's girlfriend, and they used to
21 come to my house.

22 Q. Okay. Did you see them together as a couple?

23 A. Yes.

24 Q. How did they get along?

25 A. Um, most of the time pretty good. But, you know,

H. Pizzola

1 you hear them arguing and stuff like kids do, I guess.

2 Q. Okay. Well, I was -- the reason I brought you
3 is, according to the police reports that I have, you
4 indicated that the night that Leah disappeared, you had been
5 at the Fast Mart to purchase some beer.

6 A. Yes.

7 Q. Okay. And that while you were there, you saw
8 Nick McGuffin.

9 A. No, I seen another guy, I think. Um, they had --
10 they just released from the jail.

11 Q. Okay.

12 A. If I can remember right, and I thought he was
13 suspicious, but I didn't tell him -- I didn't know anything
14 that she was missing yet, but later on.

15 Q. Okay.

16 A. So.

17 Q. Well, I guess the -- one of the things I'm
18 looking at is, according to the police report, you recall
19 Nick McGuffin coming over and asking if anyone had seen Leah.

20 A. That's what I -- I don't know, because I don't
21 remember. I'd like to read the -- the report. I don't --
22 honestly, it's been 10 years.

23 Q. Okay.

24 A. I've been drinking, and it's a long time ago.

25 Q. Okay. Has Nick McGuffin ever talked to you about

H. Pizzola

1 what happened to Leah Freeman?

2 A. Um, maybe right afterwards. After she was
3 missing and stuff like that.

4 Q. Do you recall anything about what Nick might have
5 told you about what happened to Leah?

6 A. No.

7 Q. Okay. Has anybody told you that Leah -- has
8 anybody told you they killed Leah Freeman?

9 A. No.

10 Q. Has anybody told you that they saw what happened
11 to Leah?

12 A. No. I've heard all kinds of rumors, though.

13 Q. Right. Have you talked to -- do you know Bruce
14 and Kathy McGuffin?

15 A. Yes.

16 Q. Have you talked with them about this?

17 A. If I did, it was a long, long, long time ago. I
18 haven't even seen them for some time.

19 Q. All right. Outside of what we've talked about,
20 do you have any information about the disappearance/death of
21 Leah Freeman?

22 A. I -- nothing that I can -- just rumors I've heard
23 around town, that's -- you know.

24 MR. FRASIER: Okay. All right. That's all I
25 have. Does the grand jury want to ask her any questions?

H. Pizzola

1 GRAND JUROR: When you seen this other person,
2 who was this other person you seen at the Fast Mart that
3 night?

4 THE WITNESS: Um, some guy that they -- he was --
5 acted like he was spun-out to me, and even -- I'd been doing
6 yard work, so I went to Fast Mart to get some more beer so I
7 could finish my yard work. Anyways, this guy was trying to
8 get ch -- money, like break a hundred or something from
9 Steve, and Steve -- and then he was just wanting to use
10 Steve's phone, and the guy was just really being weird. And
11 Steve, like, No, you need to leave. Leave my premises. And
12 all that stuff.

13 And I just -- later on, when I found out Leah was
14 missing, it just -- the guy seemed like he was cracked-out to
15 me, and I was --

16 GRAND JUROR: But you didn't know him?

17 THE WITNESS: No. But they -- I -- I do know
18 that they had just released him from the jail because I
19 talked to the sheriff about it after I knew -- knew she was
20 missing and stuff, and they said that they had just released
21 that guy from jail. And the guy was saying he was just
22 released from jail, and he was trying to break a hundred and
23 stuff. I don't know if that has any bearing or not, but it
24 just --

25 GRAND JUROR: So you didn't hear any name, or --

H. Pizzola

1 THE WITNESS: No.

2 GRAND JUROR: I'm sorry, is your son name -- is
3 your son Matt?

4 THE WITNESS: Yeah.

5 GRAND JUROR: It's not Mike, it's Matt?

6 THE WITNESS: I have a Mike, a Matt, a Chris, and
7 a Nick.

8 GRAND JUROR: Okay. Is your son Mike, did he
9 used to hang around with Wayne McGuffin?

10 THE WITNESS: Um, Mike would hang around with a
11 bunch of different kids about that age -- yeah, sometimes.

12 GRAND JUROR: Okay. He would talk about hanging
13 out with him and Ricky Crook --

14 THE WITNESS: Well, he still hangs out with
15 Ricky, but I don't even -- I haven't seen Wayne for a long
16 time. But, they -- they all hung out together when they were
17 younger.

18 GRAND JUROR: Okay.

19 THE WITNESS: I mean, all the kids would come to
20 my house and congregate.

21 GRAND JUROR: Okay.

22 MR. FRASIER: Any other questions?

23 Okay. That will do it.

24 GRAND JUROR: All right.

25 THE WITNESS: Okay. Well, good luck you guys. I

T. Ekblad

1 hope you find who did it.

2 GRAND JUROR: Thank you.

3 GRAND JUROR: Thank you.

4 **TESTIMONY OF TOSHA EKBLAD**

5 (Witness sworn.)

6 BY MR. FRASIER:

7 Q. First of all, ma'am, this is the grand jury for
8 Coos County and they're looking into the disappearance and
9 death of Leah Freeman.

10 A. Yes, sir.

11 Q. It's obvious, but we're recording everything in
12 here today.

13 A. Okay.

14 Q. All right. First of all, could you tell us your
15 name, please, and where you live.

16 A. My name is Tosha Tyee (phonetic) Ekblad, and I
17 live at 718 F Street, Space No. 30, Coos Bay, Oregon 97420.

18 Q. The reason I have you here today is three or four
19 weeks ago, or several weeks ago, I was given a note by Bruce
20 McGuffin. Do you know a Bruce McGuffin?

21 A. No, sir.

22 Q. Saying that apparently you knew what happened to
23 Leah Freeman.

24 A. I don't mean to roll my eyes at you, it's just
25 um, kind of, uh, odd. Because the only thing -- am I allowed

J. Reab

1 THE WITNESS: Hmm-mm. No. I didn't know she was
2 going to Cheri's house.

3 GRAND JUROR: Okay.

4 THE WITNESS: When I talked to her on the phone,
5 it was just briefly. Um, I asked her if she needed to talk
6 because I heard her and Nick arguing and I heard him call her
7 a bitch, and she said she couldn't. And I told her I'd talk
8 to her later, and that was the last time I talked to her.

9 (Pause.)

10 MR. FRASIER: Any other questions?

11 GRAND JUROR: I don't think so.

12 MR. FRASIER: Okay. I think that will do it.

13 THE WITNESS: All right.

14 MR. FRASIER: You're free to go.

15 GRAND JUROR: Thank you.

16 THE WITNESS: Thank you, guys.

17 **TESTIMONY OF JANET REAB**

18 (Witness sworn.)

19 BY MR. FRASIER:

20 Q. Okay. First of all, ma'am, this is the grand
21 jury for Coos County. We're looking into the disappearance
22 and death of Leah Freeman. One thing I need to tell you
23 about, it's obvious, but we're recording everything here
24 today, okay?

25 A. Okay.

J. Reab

1 Q. First of all, could you tell us your name,
2 please, and where you live?

3 A. Janet Reab. From Coquille.

4 Q. Okay. Ma'am, do you know the McGuffin family?

5 A. Yes, I do.

6 Q. How do you know the McGuffin family?

7 A. My daughter went to preschool with Nick McGuffin,
8 and previous to that they had a fruit stand, and I used to
9 take my kids down there almost every day and get them some
10 piece of fruit. And we met them there. But, uh, Nick always
11 went to school; he was in Juliana's class, my youngest
12 daughter. They were friends all through school.

13 Q. You became aware that -- well, let me -- did you
14 know Leah Freeman at all? Let me ask you that.

15 A. Oh, yes.

16 Q. And how did you know Leah?

17 A. Um, her mother and I were friends. And, uh, when
18 Cory would need a babysitter, if her family couldn't do it,
19 she would bring her kids to my house, and vice-versa. The
20 kids grew up knowing each other. They were all about the
21 same ages, and they played together.

22 Q. Did you know if Nick and Leah were
23 boyfriend/girlfriend?

24 A. Yes, they were.

25 Q. Did you have an opportunity to observe them

J. Reab

1 together?

2 A. Yes.

3 Q. How well did they get along?

4 A. Uh, they seemed to get along, at least in front
5 of me. Um, my --

6 Q. Did -- you became aware that Leah disappeared at
7 the end of June of 2000; is that right?

8 A. Yes.

9 Q. And I want to ask you about an incident that
10 occurred a few days before Leah's body was found. Did you
11 and your daughter and a friend -- I guess and your
12 grandson -- were you all at Fifth Street Park?

13 A. Yes, we were.

14 Q. Could you tell us what happened at Fifth Street
15 Park.

16 A. Um, well to start it out, I'd have to go to the
17 last day of school. Juliana, my daughter, had to ask Nick
18 for a ride home because, uh, she had a lot of stuff to carry,
19 and she walked. So Nick had brought her home. Nick got out
20 on the front porch and talked. And Nick had told her that
21 they had been fighting, that he and Leah had been fighting,
22 and asked her advice about what to do about it because Leah
23 was starting to hit him and it hurt. And she said, Well,
24 tell Cory. Maybe she needs -- she's got some anger issues or
25 something. She might need some counseling.

J. Reab

1 And then that day at the park, we were there with
2 my grandson. He was on the swings. And Nick and Ricky Crook
3 drove by, and Juliana waved at him. They pulled the car
4 over. And clear from the other side where he parked over to
5 the swings, I noticed -- noticed it was kind of bizarre
6 because Nick hollered at Juliana. He says, "Boy, I sure wish
7 I had something to bitch about now." About Leah hitting him.

8 Um, I thought that was kind of strange. I didn't
9 understand why he didn't wait until he got up to us to say
10 it, you know, instead of hollering it.

11 And they got over to the swings, and we were all
12 talking, and then the police came by. Nick started cussing.
13 "Some of those damn cops, they won't leave me alone."

14 And Juliana said, "Well, maybe you should go and
15 take a polygraph."

16 Q. Yeah, we can't talk about the polygraph.

17 A. Well --

18 Q. We really can't.

19 A. Okay. Um. I can't even finish it?

20 Q. No, we -- well --

21 A. Because, um --

22 Q. Why don't -- she said, Why don't you go talk to
23 the police, basically?

24 A. Well, he said, "I did." And she said, "And?"

25 Q. Again, we can't talk about it.

J. Reab

1 A. Okay. Um, I'm sorry.

2 Q. Okay. We just can't talk about it. All right.

3 A. Um.

4 Q. What happened after that?

5 A. Um, now I'm off track. (Laughter.)

6 We -- we thought that was kind of strange. And,
7 um, Ricky said, The reason they're after him so bad -- the
8 reason they're after Nick so bad is because Brent Bartley
9 can't keep his timeline straight.

10 And Ricky was standing there looking down at the
11 sand on the ground, and kind of kicking at the sand with his
12 feet, back and forth. And, uh, Nick was standing there kind
13 of looking at him, but Ricky was looking down. And he can't
14 keep his timeline straight, he said, because he was so high
15 on acid. LSD. And I thought, hmm, that's the first time
16 I've heard that.

17 And, uh, Nick was trying real hard to get Ricky's
18 attention, like to shut him up. But Ricky was still looking
19 down, kicking at the sand. And the color drained out of
20 Nick's face. I mean, he was mortified that that had come
21 out. I could tell.

22 Well, by the time we left, everyone that was with
23 me was under the impression that, uh --

24 Q. I don't think we can go there.

25 A. Okay.

J. Reab

1 Q. Okay.

2 A. We had been real defensive of Nick up until that
3 point.

4 Q. Right. Now, let me ask you this. I want to
5 change subjects with you a little bit. Later on, a year or
6 two or so later, were you riding in a car with Cory where
7 Nick passed you and some bad things kind of happened?

8 A. Oh, yes.

9 Q. Could you tell the grand jury about that.

10 A. Um, we were coming back from Bandon, and we were
11 taking North Bank Road. And it had become a habit of Nick's,
12 whenever he would see me driving, ever after that park
13 incident, to try to intimidate me. And he passed us -- there
14 was a bit of a straight stretch. He passed and there was an
15 oncoming car. He almost had a head-on.

16 Like it -- like I said, this was becoming a habit
17 with him. Um, I was probably on the police log once a week
18 for him pulling that kind of stuff. He would come flying out
19 of 7Eleven -- you know, Fast Mart, when he'd see me drive by.
20 He's just sort of sit there in the parking lot, and if I'd go
21 by -- with my daughter in the car too. He would wait until
22 we'd get up in front of the Burger Barn, then just come
23 flying up and passing me on the wrong side and trying to get
24 me to hit him.

25 And I was always turning it in, but nobody would

J. Reab

1 ever do anything about it. And I know it was on -- it had to
2 be on video or something because the credit union was right
3 there, and I'm pretty sure they've got cameras all over. But
4 nobody would ever do anything.

5 And that time, um, we tried to get something
6 done, and we couldn't locate the red car. I advertised for
7 it, but nobody would ever respond. Because that was reckless
8 driving. I mean, he could have killed somebody in a head-on,
9 or run me off the road and I wasn't going anywhere. I had my
10 mother and Cory in the car, and my daughter.

11 Q. Was there an incident with you and the McGuffin
12 family and other people at Walmart?

13 A. Yes, there was.

14 Q. About when was that?

15 A. Um, probably around October or November, after
16 Leah's body had been found. Um, I was pretty much under the
17 impression that Nick had had something to do with it, but
18 after the day at the park, we've never had contact. And this
19 was the first time that I had really seen him at -- was at
20 Walmart.

21 And I didn't want to smile and nod. I didn't
22 want to talk to him. I didn't want to glare at him. I
23 wanted to pretend like I didn't see him. So I turned, and I
24 was playing with one those displays they've got in the aisle.
25 The next thing I know, I've got Nick right there going, Why

J. Reab

1 don't you just eyeball me some more?

2 I said, What?

3 And he repeated it, Why don't you just eyeball me
4 some more?

5 And I'm, whoa. And I said, I wasn't.

6 He's, you know, kind of a big fellow. And the
7 man that I was there with, he was up at the checkstand. And
8 I told him what had happened and he said, Well, we don't want
9 anything to do with this. And he went back and found Nick,
10 who was with his mother. And he was going to tell him, Nick,
11 we don't have anything to do with this. Just leave us alone.

12 Well, his mom, before this fellow Shelby, before
13 he could even get it said, uh, Kathy McGuffin started ramming
14 him with -- and he's -- he's a disabled man. She was ramming
15 him with her shopping cart. Boom, boom. Well, he came back
16 around and told me what had happened, and she was hollering,
17 Bruce, Bruce.

18 And he was at the checkstand, telling me what all
19 had gone on. And I look up, and here they come. The whole
20 crew. And I'm telling the checker, I think maybe you should
21 call the police, you know. I think maybe you should. She's
22 not paying any attention to me. Bruce McGuffin looks at
23 Shelby and says, You -- you leave him alone. Don't even mess
24 with him. He said -- let me think. It's been a long time.
25 Let me think exactly what was said.

J. Reab

1 (Pause.) Oh, uh, Shelby started to say, Well
2 that punk, you know, needs to leave us alone, and -- how did
3 that go?

4 Q. It's all right.

5 A. I'm sorry. It's been so long. It was stated by
6 Bruce McGuffin, "I ought to take you outside and kill you,"
7 to Shelby. And Shelby got real loud. He said, "You mean
8 there's two murderers in your family?" He said, "Because
9 that punk right there is the one that killed Leah Freeman."

10 That's what Shelby said.

11 They still wouldn't call the police. We tried
12 to, uh -- well, we notified the police here. They didn't
13 seem to care. And I know they had it all on video. The
14 assault -- you know, Nick accosting me in the aisle, the
15 whole thing. They had to have it on video, but the police
16 here didn't really care. And they told us, Oh, it happened
17 in North Bend, you should contact them. They said, Well it
18 seems to have something to do with the Freeman case. You
19 should take it back to Coquille.

20 Well, we just, Uh-huh. Coquille, they didn't
21 care, okay? That was the impression I had, because every
22 time I would go down there with any information, or the fact
23 that he had done something to Juliana, tried to intimidate
24 her or whatever, they didn't care. Nothing was ever done.

25 Q. Okay, ma'am. A few questions I've been asking

J. Reab

1 everybody: Has anyone told you that they killed Leah
2 Freeman?

3 A. No.

4 Q. Has anybody told you that they saw what happened
5 to Leah Freeman?

6 A. No.

7 Q. I've been everybody this, so I'm going to ask you
8 too. Did you kill Leah Freeman?

9 A. No.

10 Q. Okay. (Laughter.)

11 Outside of what we talked about here today, is
12 there anything else you think the grand jury needs to know
13 about?

14 A. (Pause.) When, uh -- when we would put up Leah's
15 fence -- I'm sure you probably all saw Leah's fence, at the
16 high school. We would decorate it to remind people, you
17 know, that we had a murdered kid. And to also spark some
18 fire under the Coquille City Police because they ought to be
19 mighty embarrassed.

20 And the last time we decorated it was right
21 before Christmas. Um, and that was about the six-month mark
22 of when she had disappeared. And Nick was over at the
23 service station. He didn't come help. He just watched. And
24 I know that there were some kids there that went and hid when
25 we left, and they said, We're going to watch him. They were

J. Reab

1 afraid that he was going to tear it down. And he would never
2 come to any of the vigils or anything like that. You'd have
3 thought with it being his girlfriend that he would have been
4 at every one.

5 MR. FRASIER: That's all I have. Does the grand
6 jury want to ask her anything?

7 (Pause.)

8 THE WITNESS: There was another incident. Um, it
9 seems like after that incident at the park that Nick did
10 everything he could to intimidate my daughter. And she was
11 with my son one time and that was when Coast to Coast was
12 open. And my son wanted to go to Coast to Coast, and my
13 daughter was still sitting in the car.

14 And Nick came driving down the street. He
15 spotted my daughter. He did a U-ee in the street, and sat
16 right outside of the car, staring at her until a car came
17 behind him and honked. And after that, he knew what my son
18 drove, and he would try to intimidate him.

19 And the only reason I could ever figure out was
20 why he was acting like that was because we just knew too
21 much. That LSD incident, I think, was -- because that's when
22 it all started. We'd always been friends until then. But
23 that day at the park everything changed.

24 I asked Cory after, you know, Did you know these
25 kids were on LSD that night? She said, No, Nick told me that

P. Parks

1 Brent Bartley was so drunk he couldn't remember.

2 MR. FRASIER: Okay. Anything else? Okay.

3 Ma'am, that will do it.

4 GRAND JUROR: Thank you.

5 THE WITNESS: Okay.

6 MR. FRASIER: Thank you.

7 **TESTIMONY OF PAULINE "POLLY" PARKS**

8 (Witness sworn.)

9 BY MR. FRASIER:

10 Q. Okay, ma'am. First of all, this is the grand
11 jury for Coos County, and we're looking into the
12 disappearance and death of Leah Freeman. I need to tell you
13 too that the proceedings are being recorded. Okay?

14 A. Yes.

15 Q. First of all, could you tell us your name and
16 where you live.

17 A. My name is Pauline Parks. I live at 929 Anderson
18 in Coos Bay, Oregon.

19 Q. And how long have you lived at -- on that address
20 in Anderson?

21 A. Um, since November of 2009.

22 Q. And prior to that, have you lived in the Coquille
23 area?

24 A. No.

25 Q. Okay. Where have you lived?

J. Curran

1 letter in that stack there, and it doesn't mention any of
2 that stuff, would that surprise you?

3 A. Um, I guess. I mean, it's hearsay to me, you
4 know.

5 Q. Okay.

6 A. I know that there's lots of rumors that go
7 around. So, to me it's just really odd that it all ties in
8 so much where, you know, one of the rumors that's went around
9 this whole time has involved Bill Sero. And the other one,
10 of course, has involved Nick. And those are the two main
11 things. And for rumors to come -- or rumors or -- or
12 whatever they are, to come from Nick that involve Bill, it's
13 just kind of odd how it all ties in. And I don't know the
14 details, so it's hard for me to put together.

15 MR. FRASIER: Okay. I don't have any other
16 questions for Stacy. Does the grand jury have any questions?

17 (Pause.) Okay. You're free to go.

18 GRAND JUROR: Good job.

19 THE WITNESS: Thank you.

20 GRAND JUROR: Thank you.

21 **TESTIMONY OF JULIANA CURRAN (REAB)**

22 (Witness sworn.)

23 BY MR. FRASIER:

24 Q. First of all, this is the grand jury for Coos
25 County, and we're looking into the disappearance and death of

J. Curran

1 Leah Freeman. And we are recording everything today, okay?

2 A. All right.

3 Q. All right. First of all, could you tell us your
4 name, please, and where you live.

5 A. I'm Juliana Curran, and I live at 270 North Dean
6 Street, Coquille.

7 Q. And you're married now; is that correct?

8 A. I am. I was Juliana Reab 10 years ago.

9 Q. All right. Your mother --

10 A. Janet Reab, yes.

11 Q. -- previously testified this morning.

12 Do you -- did you know Nick McGuffin?

13 A. Yes, I did. I've known him ever since I was
14 probably about three or four years old. And they had a
15 little fruit stand down the hill, and I kind of had my first
16 crush on Nick, you know? I was in first grade with him.
17 I've known him since I was really little.

18 Q. Okay. Did -- did you know Leah Freeman?

19 A. Yes, I did. I've known Leah my whole life as
20 well. Probably much better than Nick. Um, my mom was
21 friends with Cory and Denny when I was little. My mom used
22 to work at Denny's Pizza. And any kind of family gatherings
23 or anything, we had birthday parties, Denise and Leah came
24 over. And so -- Leah went camping with us. Denise went
25 camping with us. I mean, we were all really good friends.

J. Curran

1 So.

2 Q. Okay. Now, I want to talk with you -- well, did
3 you know that Nick and Leah were boyfriend/girlfriend?

4 A. I did. I could see that in the hall.

5 Q. Okay.

6 A. You could tell when they held hands or -- you
7 know, you knew in high school who was with who.

8 Q. Okay. Did you see how well they got along?

9 A. I did, and how well they didn't get along. I can
10 remember Nick telling me, um -- he had me -- I had him giving
11 me a ride home one day. I had a heavy backpack. And we got
12 to talking, and he said he had to get right back because he
13 had to go pick up Leah. Because she got out, I think, a
14 class after me. I had one class earlier. I only had six
15 classes and she had seven, or something like that.

16 So, he had to go get her because otherwise she
17 would get angry and violent, he said, toward him. Didn't
18 talk about like fists and like physical or anything, but she
19 would get violent, he said.

20 Q. Okay.

21 A. So that kind of seemed wrong. And I said, Have
22 you told her mom? You know, not that I wanted to make a
23 problem in their relationship, but nobody needs to have
24 control issues in high school. They're not even married, you
25 know? You don't need to be answering up to anybody.

J. Curran

1 Q. Okay.

2 A. So I told him that I thought that he needed to
3 tell her mom.

4 Q. All right.

5 A. And I could see in the hall that there was
6 sometimes issues between the two of them.

7 Q. All right. Now, you became aware, June 28th of
8 2000, that Leah disappeared?

9 A. The next day, actually, was made aware that she
10 didn't come home. Nick knocked on my door.

11 Q. Okay.

12 A. He brought Maggie, um --

13 Q. Maggie Downs?

14 A. -- Downs.

15 Q. All right.

16 A. She's Downs. Um, over to my house. And they
17 knocked on the door looking for Leah.

18 And I thought that would be so weird for Leah to
19 come to my house. Now, Denise, yes. Because Denise and I
20 were real tight; you know, her sister. But for Leah to go
21 all the way up the edge of town -- okay. If she needed a
22 place to be, I was right there. I'd open my door for her.
23 But why would she come hang out or need a place to be? That
24 just seemed bizarre. I didn't even tell my mom that Leah
25 was -- didn't come home. It -- just didn't think anything of

J. Curran

1 it. And then she -- it came out in the papers, like a week
2 later.

3 Q. All right. Now, eventually her body was found in
4 August of 2000. Prior to the body being found, were with
5 you -- were you with your mom and a couple other people at
6 Fifth Street Park?

7 A. I was, yes.

8 Q. And did --

9 A. We took Gabe to the -- my nephew, to go play on
10 the swings. He was like two and a half or something. It
11 were a long time ago.

12 Q. Okay. That would have been Fifth Street Park
13 here in Coquille?

14 A. Mm-hmm. Mm-hmm.

15 Q. Did you see Nick and Ricky Crook?

16 A. We did. Leah was still missing. I waved at them
17 because I wanted to see what was going on. I was classmates
18 and -- with Ricky, and I knew Nick. He was Leah's boyfriend,
19 so I wanted to know what -- you know, if anything was going
20 on. If they had any gossip they could share or anything. It
21 was kind of bizarre having a missing person in Coquille.

22 So I waved at them to come on over, and he pulled
23 over and came over and talked to me. And the conversation
24 that we had took place kind of by the tennis courts. He
25 barely even came down the steps. And I more met him, and

J. Curran

1 more walked up with him and Ricky. And what we talked about
2 was Leah was still missing, and I said, you know, The police,
3 are they, you know, talking to you?

4 And, Yeah, they are. They're, you know,
5 interested in me.

6 And we started talking about, Well, have you got
7 anything?

8 Q. Okay. Yeah. There's one area we can't talk
9 about. I don't know if I told you. With the test, we can't
10 talk about any testing, okay?

11 A. Oh, okay.

12 Q. All right? So, we're not going to --

13 A. We --

14 Q. -- not going to go there.

15 A. Okay.

16 Q. Did he --

17 A. That was talked about, but okay.

18 Q. Yeah, we can't talk about that.

19 A. Okay.

20 Q. All right. Did he say something to the --
21 something to effect of, Remember the last time we talked, how
22 I was complaining about Leah?

23 A. Mm-hmm.

24 Q. Okay. Why don't you tell the grand jury about
25 that.

J. Curran

1 A. The last time we talked, I -- well, Leah was, had
2 disappeared. Uh, wait. Can you re -- say that again? Just
3 so that I make sure that I know what I'm --

4 Q. Okay. According to the police report, this is at
5 the park, Nick stopped and got out of the car and was walking
6 towards you, yelling before he got over to you, "Remember the
7 last time we talked, how I was complaining about Leah?"

8 A. Yeah. "I wish there was something we could
9 complain about now."

10 Yeah. Because she had -- she was missing. And
11 we hadn't seen her. And she's gone and, you know, he seems
12 like he's upset. You know, where -- well, nobody's found
13 anything. I mean, it seems like the police are kind of
14 looking toward him as being a suspect, that he's -- he's
15 upset that she's still disappeared, and there's nothing
16 happened yet.

17 I didn't get to thinking that there was anything
18 wrong with Nick until that day. And then I started
19 questioning Nick and what had happened in his relationship,
20 just because the way that he came across. And then after
21 that, I think that he knew that I -- I don't know. That
22 maybe people were starting to question him and what he --
23 what his involvement may have been.

24 Q. Okay.

25 A. And he started getting real angry at people.

J. Curran

1 Every time we'd -- he'd rev his engine when he'd go by me. I
2 was scared.

3 I had a real good relationship with Nick. He was
4 my friend. I didn't want to think anything bad. And then --
5 and then it got to where I didn't want to walk at the highway
6 maybe at dark because he might mow me down or something.

7 Q. Okay. So he really changed after the Fifth
8 Street Park incident?

9 A. Big time. Oh, yeah. He accosted me anytime I
10 was out downtown. I don't know what happened, but he snapped
11 and it was like a whole different person. It was like a
12 guilty person came out. Nobody that seemed to care about a
13 girl that had gone disappearing like that would act like
14 that. If he really loved her, I don't think that he would be
15 angry and aggressive and he would -- he would be more trying
16 to fight it and um, get it solved.

17 Q. Has anybody told you that they killed Leah
18 Freeman?

19 A. No.

20 Q. Has anybody told you that they were present and
21 saw what happened to her?

22 A. No.

23 Q. Outside of what we talked about here today, is
24 there anything else that you think grand jury needs to know?

25 A. There's all kinds of rumors that I've heard. All

B. Mauro

1 kinds of stuff. But whether anything is -- it's all hearsay,
2 you know? I just want it solved, and I think that there's a
3 lot that had happened that kids are afraid to talk.

4 And whoever knew, I mean -- there's a lot of
5 scary names out there that I've heard, and I don't know who
6 the people are, but I know that there's a lot of people out
7 there that I'm like, I don't want to know you. I don't know
8 how you're tied in, but --

9 MR. FRASIER: Okay. All right.

10 Grand jury want to ask her anything?

11 (Pause.) Okay.

12 GRAND JUROR: Thank you.

13 THE WITNESS: You're welcome. Hope you guys
14 solve it.

15 **TESTIMONY OF BRETT MAURO**

16 (Witness sworn.)

17 BY MR. FRASIER:

18 Q. First of all, sir, this is the grand jury for
19 Coos County, and -- I'm going to stand up for a little bit
20 because of my -- so I'm going to stand for a little bit. The
21 grand jury's looking into the disappearance and death of Leah
22 Freeman, okay? First thing I have to tell you is that we are
23 recording everything that's going on in here, okay?

24 A. That's fine.

25 Q. Just want you to be aware of that.

M. Shields

1 GRAND JUROR: How did he and Nick get along?

2 THE WITNESS: Fine as far as I saw.

3 MR. FRASIER: Okay. Anything else?

4 Okay. You're free to go.

5 THE WITNESS: All right. Thank you very much.

6 **TESTIMONY OF MARK SHIELDS**

7 (Witness sworn.)

8 BY MR. FRASIER:

9 Q. Okay. First of all, just to let you know, this
10 is the grand jury for Coos County, and they are looking into
11 the death and disappearance of Leah Freeman. It's obvious,
12 but I need to tell you we are recording everything here
13 today. Okay?

14 A. Understood.

15 Q. First of all, could you tell us your name please,
16 and where you live.

17 A. Mark Shields. I live in Coquille. 659 Southeast
18 15th Place.

19 Q. Okay. The previous witness that testified,
20 Maggie Knight, do you know her?

21 A. Mm-hmm.

22 Q. And how do you know her?

23 A. She's my fiancée.

24 Q. And do you folks actually live together?

25 A. We do.

M. Shields

1 Q. Sir, how long have you lived in the Coquille
2 area?

3 A. Mm, most all my life.

4 Q. Okay. Do you know a Nicholas McGuffin?

5 A. I do.

6 Q. How do you know Nick?

7 A. I've been friends with him for many years. I
8 knew his brother from school.

9 Q. Did you actually go to school with them?

10 A. Um, not really went to school with them. I went
11 to school with his brother Nicholas -- or Wayne.

12 Q. Okay. Did you know Leah Freeman?

13 A. Quite well.

14 Q. How did you know Leah?

15 A. She's my cousin.

16 Q. Okay. Were you aware that Nick and Leah were
17 boyfriend/girlfriend?

18 A. I was.

19 Q. Did you have an opportunity to see those two
20 together and how they related to each other?

21 A. Very limited.

22 Q. Well, from what limited contact that you saw,
23 what did you see?

24 A. They seemed to be fairly normal young kids. You
25 know, just a young couple. Not really anything odd to speak

M. Shields

1 of, just --

2 Q. All right. In regards to this case, last week we
3 had Delbert Knight in --

4 A. Mm-hmm.

5 Q. -- and he seemed to think you knew something
6 about this case, and thought we ought to bring you in here
7 today.

8 Well, let me ask you this. How did you first
9 learn that Leah was missing?

10 A. I got a phone call from my aunt and was informed
11 of it.

12 Q. Okay. And your aunt's Cory Courtright?

13 A. Correct.

14 Q. Did you help try to find her?

15 A. I did. I actually was in a vehicle with Nick,
16 riding around with him for quite a while within the first
17 couple of days after her disappearance.

18 Q. Okay. What did Nick have to tell you about what
19 was going on?

20 A. He didn't really say a whole lot of anything. He
21 seemed really weird, and he never spoke a whole lot about
22 anything. He just -- his actions, his demeanor was very odd.

23 Q. When you say odd, what do you mean?

24 A. He would just -- he'd close his eyes and become
25 very sick to his stomach. He had -- it was almost like he

M. Shields

1 was going through post-traumatic stress disorder or
2 something. He was becoming very ill every time he would
3 close his eyes.

4 Q. Okay.

5 A. He would pull over off the side of the road and
6 have to get out and he would vomit. It was very odd. Not
7 anything like I'd ever known Nick to be.

8 Q. Did he say anything about what happened the night
9 that Leah disappeared, to you?

10 A. No, he really wouldn't talk about it.

11 Q. Okay. He didn't give you a time line like, I
12 dropped her off at Cheri's and I was supposed to pick her up,
13 or anything like that?

14 A. Not really to speak of, no.

15 Q. Okay. Have you remained close with Nick over the
16 years?

17 A. No.

18 Q. Was there a period of time that Nick started to
19 treat you differently, or --

20 A. Well, I'd say within a couple of weeks after her
21 disappearance, he went and made himself very scarce. He
22 didn't come around at all anymore.

23 Q. Okay. Has anybody told you that they killed
24 Leah?

25 A. No.

M. Shields

1 Q. Has anybody told you they were there and saw what
2 happened to her?

3 A. No.

4 Q. I've been asking just about everybody this
5 question, but did you have anything to do with her
6 disappearance?

7 A. Not at all.

8 Q. Okay. Did you -- is there anything about this
9 case you think the grand jury needs to know about?

10 A. Um, not really that I can think of. I mean,
11 basically, you know, I spent a little bit of time with him --
12 very little time with Nick after her disappearance. And as I
13 said, I mean, I've known the kid for quite a few years, and
14 after she had disappeared he seemed like a totally different
15 person. His whole -- his whole person changed. He was a
16 completely different individual, and nothing like I'd ever
17 known him.

18 Q. Okay. Wayne McGuffin. What was he like?

19 A. Normal kid. Kind of a bully in school.

20 MR. FRASIER: Okay. I don't think I have any
21 other questions to ask him. Does the grand jury want to ask
22 him any questions?

23 (Pause.) Okay. I think that will do it, sir.
24 We're set.

25 THE WITNESS: Have a good evening.

M. Dannels

1 GRAND JUROR: Thank you.

2 THE WITNESS: Thank you, guys.

3 **TESTIMONY OF MARK DANNELS**

4 (Witness sworn.)

5 BY MR. FRASIER:

6 Q. Okay. First of all, sir, could you tell us your
7 name and occupation.

8 A. My name is Mark Joseph Dannels. I'm currently
9 employed by the City of Coquille as their police chief.

10 Q. And how long have you been the police chief here?

11 A. Since August of 2008.

12 Q. Prior to that, sir, do you have other experience
13 in law enforcement?

14 A. Yes.

15 Q. And what was that?

16 A. I entered the law enforcement profession back in
17 May of 1984 with the City of Bisbee, Arizona, Police
18 Department. I left there in January of 1986 to join the
19 Cochise County Sheriff's Office, which is in southern Arizona
20 south of Tucson. I worked my ranks from deputy sheriff up to
21 the rank of deputy commander, where I retired in -- August
22 15th of 2008 to take the job here in Coquille.

23 Q. When you came to Coquille -- well, actually prior
24 to you coming to Coquille, as part of the interview process
25 and so forth, did you become aware of this case that had been

J. Smisek

1 station, almost.

2 THE WITNESS: Yeah. It was on the side by the
3 fence and like not next to the other one. (Creaking door
4 heard.)

5 Noisy.

6 MR. FRASIER: Is there anything else?

7 Okay. That will do it.

8 GRAND JUROR: Thank you for coming back.

9 THE WITNESS: Thank you.

10 **TESTIMONY OF JESSE SMISEK**

11 (Witness sworn.)

12 BY MR. FRASIER:

13 Q. Sir, first of all, this is the grand jury for
14 Coos County, and they are looking into the disappearance of,
15 and death of Leah Freeman.

16 A. Yep.

17 Q. And it's obvious, but I'm recording everything
18 here today, okay?

19 A. Okay.

20 Q. First of all, could you tell us your name,
21 please, and where you live.

22 A. I'm Jesse Smisek. I live in -- I live right next
23 to, in the access road, but I ain't staying there right now.

24 Q. No, okay.

25 A. Because McGuffin lives right next door to me.

J. Smisek

1 Q. Oh, okay. Nick McGuffin lives right next door to
2 you?

3 A. Yeah. So, I don't stay -- I haven't stayed there
4 in three and a half weeks at my house, ever since the cops
5 started coming around.

6 Q. Okay. Talking to you?

7 A. Yeah.

8 Q. Mr. Smisek, I've got information that you might
9 have been in a car or something, where --

10 A. Yes.

11 Q. -- Nick McGuffin ran you off the road?

12 A. Yes. About six years ago or so, with David
13 Breakfield.

14 Q. Okay. And who else was in the car?

15 A. Uh, this girl Megan, which was, uh, Nick
16 McGuffin's ex-girlfriend, I guess, at the time.

17 Q. Okay.

18 A. Most recent ex-girlfriend.

19 Q. Okay. Could you tell us what happened.

20 A. We were -- it was about one o'clock in the
21 morning, we were going up Coos River Highway, probably going
22 about a hundred miles an hour, and all of a sudden the
23 headlights turn on right behind us at the bumper. And she
24 said, "Oh, shit, it's Nick." And I was like, "Who's Nick?"
25 She told me that I probably know him from the cigarette store

J. Smisek

1 because he worked at the cigarette store in Bunker Hill. And
2 I did know who he was, and I was like, "Great."

3 And then -- but anyway, we proceeded up Daniels
4 Creek Road, and he was trying to run us off the road, and
5 kept trying to run us off the road. And we went up Morgan
6 Creek to her house, and he proceeded to try to run us off the
7 road. And he cut us off right at her driveway.

8 And -- where we had to go up a left-hand hill,
9 and he got out and he freaked out on her. And then when we
10 left, like we took her back up to her house after he left and
11 freaked out on us, and he told me that he's going to kill me
12 or something like that because he thinks I robbed him a long
13 time ago. And then he proceeded to -- he left, and then we
14 went up to her house.

15 About an hour after we were at her house, we
16 left, and his car was parked down behind a barn on the
17 beginning of Morgan Creek Road, and he was walking up through
18 the fields because we had seen somebody with a flashlight.
19 So we were guessing it was him, since his car was parked
20 behind the barn, you know? That's about it.

21 Q. Did you have any other contact with Nick
22 McGuffin?

23 A. No, I have a feeling that he creeps around my
24 woods around my house out there, right next door to where he
25 lives right now, yeah. But I haven't had any contact with

J. Smisek

1 him since then.

2 Q. Okay.

3 A. But I'm pretty sure I've caught him in my yard
4 out there --

5 Q. All right.

6 A. -- in the middle of the night, but there ain't --
7 you know, that ain't contact with him.

8 Q. I've been asking everybody these questions, so
9 I'll ask you too, okay? Has anybody told you that they
10 killed Leah Freeman?

11 A. No, sir.

12 Q. Has anybody told you that they were present and
13 saw what happened to Leah?

14 A. No, sir.

15 Q. And I assume you had nothing to do with her
16 death?

17 A. No, sir.

18 Q. Okay. Outside of what we talked about here
19 today, is there anything else you think the grand jury should
20 know?

21 A. Nick McGuffin's got something wrong with his
22 head, so I wouldn't put it past him.

23 Q. Okay. I mean, we -- that's --

24 A. He freaks me out.

25 Q. Okay. That's speculation on your part.

J. Smisek

1 A. Yeah, it is.

2 MR. FRASIER: Anything else?

3 GRAND JUROR: When you moved to -- how long have
4 you been living at that --

5 THE WITNESS: I'd say two and a half months, but
6 I didn't know that he was my neighbor.

7 GRAND JUROR: So, until three weeks ago?

8 THE WITNESS: Yeah, until about three, four weeks
9 ago. Once I re -- knew it was -- he was my neighbor, it
10 didn't even bother me because he never approached me or
11 bothered me at all. And then when the detectives showed up
12 to my parents' house in Bunker Hill, that's when I stopped
13 going home. Because, you know, his aunt works across the
14 highway from my parents' store, or from my parents' home.
15 And she started questioning me about it. So, I figured he
16 knew, so if he had anything out to get me for, then he'd do
17 it if I was at home, because we live right next door to each
18 other in the woods. So I haven't been home in three weeks,
19 besides in the daytime to get my stuff for me and my
20 daughter.

21 GRAND JUROR: Before that, did he do anything?
22 You know, there were no -- in the first month or whatever,
23 to -- while you were still living there?

24 GRAND JUROR: This is largely based then, on the
25 experience you had six years ago?

J. Smisek

1 THE WITNESS: Yes. He freaks me out. Like I
2 said, man, I'm as personally -- personally, I'm afraid of the
3 guy. He's a creep.

4 (Pause.)

5 GRAND JUROR: And Megan never said anything to
6 you about --

7 THE WITNESS: No. She said that that was Leah
8 Freeman's ex-boyfriend when we were at her house. And then,
9 I was just like, Oh, great. Then, from then on, I was
10 convinced, you know? Once, you know. How he's doing that
11 psychotic shit, trying to run us off the road. You know, I
12 was convinced. That convinced me right there, that you know,
13 maybe he did.

14 GRAND JUROR: Did you report that to anyone?

15 THE WITNESS: No.

16 (Pause.) It's just been a feeling of mine, you
17 know? I don't even know how I ended up here today, just
18 because I talked my feelings to somebody.

19 GRAND JUROR: Well, trying to run you off of the
20 road is more than a feeling.

21 THE WITNESS: Yeah, well, that -- that, he knew I
22 wasn't driving. He was after the guy driving, not me. You
23 know. I was just in the vehicle.

24 GRAND JUROR: Who was driving?

25 THE WITNESS: David Breakfield.

J. Smisek

1 GRAND JUROR: Breakfield, yeah. I remember.

2 MR. FRASIER: Okay. Anything else?

3 THE WITNESS: No, sir.

4 MR. FRASIER: I was asking the grand jury, but
5 okay.

6 THE WITNESS: Oh. Great. (Laughter.)

7 MR. FRASIER: All right. Okay. That will do.
8 You're free to go.

9 THE WITNESS: Thank you, guys.

10 GRAND JUROR: Thank you.

11 (End of recording.)

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15 I certify, by signing below, that the foregoing pages 1
16 through 177 constitute a correct transcript of WAV files
17 provided of the above-entitled matter, this 25th day of
18 March, 2011.

19

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21 _____
PEGGY S. JILLSON, TRANSCRIBER

22

23

24

25

M. Smith

1 GRAND JUROR: Thank you.

2 THE WITNESS: You're welcome.

3 **TESTIMONY OF MELISSA SMITH**

4 (Witness sworn.)

5 BY MR. FRASIER:

6 Q. Okay. First of all, this the grand jury for Coos
7 County, and we're looking into the disappearance and death of
8 Leah Freeman. I need to tell you, it's obvious, but we're
9 recording everything.

10 A. Okay.

11 Q. Okay?

12 A. Okay.

13 Q. First of all, could you tell us your name,
14 please, and where you live.

15 A. Melissa Smith. I live in North Bend, Oregon.

16 Q. Previous witness we had in here, Scott Hamilton,
17 do you know him?

18 A. Mm-hmm.

19 Q. Did you know him?

20 A. Yes.

21 Q. Could you tell us how you knew Scott, what your
22 relationship was like with him?

23 A. Um, I knew him. We dated for about two years in
24 high school.

25 Q. Okay. And you went to the prom with him?

M. Smith

52

1 A. Yes.

2 Q. (Indiscernible.)

3 A. Him, Nick, and Leah.

4 Q. All right. Did you graduate in 2000?

5 A. 2002.

6 Q. 2002.

7 A. Mm-hmm.

8 Q. Did you know Nick McGuffin?

9 A. Yes.

10 Q. How well would you say you knew him?

11 A. Um, pretty well. Me, Scott, Leah, and Nick all
12 hung out together quite a bit right before she disappeared.

13 Q. And Leah, you knew her, obviously.

14 A. Mm-hmm.

15 Q. How well would you say you knew her?

16 A. Um, pretty well. We were very close right before
17 she disappeared.

18 Q. Okay. You were aware that there -- well, you
19 were aware that Nick and Leah were boyfriend/girlfriend?

20 A. Correct.

21 Q. Could you tell the grand jury what you saw of
22 their relationship, how they behaved with each other and so
23 forth.

24 A. Um, most of the time they were pretty happy. And
25 they fought, like teenage couples do --

M. Smith

1 Q. Okay.

2 A. -- I guess you could say.

3 Q. Uh --

4 A. So, it was pretty honest -- it was pretty back
5 and forth. Um, he had cheated on her one time, and they
6 briefly broke up. And, um, she was really upset about it.
7 And they fought for quite a while about that. And that was
8 before we all went to prom together. And then they -- they
9 got back together after that.

10 Q. Okay. Looking at -- I believe you were
11 interviewed by a state policeman we talked to earlier this
12 year, Detective Asmus (phonetic). And looking at the reports
13 and stuff, there was an indication that you told the police
14 that Nick was doing drugs at the time.

15 A. Mm-hmm.

16 Q. What type of drugs was Nick using?

17 A. Um, I never seen him do it. It's just, um, what
18 I hear. And I believe it was meth. I believe.

19 Q. Did Leah have a problem with Nicholas using
20 methamphetamine?

21 A. Mm-hmm.

22 Q. How do you know that Leah had a problem?

23 A. Um, because they would fight about it often, and
24 she disapproved. And that would be the cause of some of
25 their fights.

M. Smith

1 Q. Okay.

2 A. She highly disapproved of it.

3 Q. Okay. All right. Yeah.

4 A. Sorry.

5 Q. It's all right.

6 Now, you broke up with Scott Hamilton, basically
7 on the day that Leah disappeared. Is that right?

8 A. The same day we broke up. Yeah.

9 Q. And it's because you found out he was messing
10 around with Kristen Steinhoff?

11 A. Mm-hmm.

12 Q. Okay.

13 A. Yeah. (Laughs.)

14 Q. Now, did you have a conversation with Leah on the
15 day, or the day before she disappeared?

16 A. The day before she disappeared, her, Nick, Scott,
17 and I all went to the river.

18 Q. Okay.

19 A. Out towards Powers. Um, and we all had a good
20 day. We just went out there and spent the day together. Um,
21 that day we -- I did talk to her on the phone. I can't
22 remember if it was at her house or if it was at Nick's house,
23 but we were going to hang out that night. And Scott and I --

24 Q. Let me back up there.

25 A. Oh, sorry.

M. Smith

1 Q. This is the night that she disappeared.

2 A. Correct.

3 Q. Okay.

4 A. Correct. Yeah.

5 Q. So, you're talking to her on the phone. You
6 don't know which house she's at.

7 A. I can't remember if it was Nick's house. I
8 believe it was Nick's house.

9 Q. Okay.

10 A. I believe she was at Nick's house. And I was
11 calling her because Scott and I were breaking up. And I was
12 basically postponing our plans that we had, um, because I
13 wasn't having a good day, obviously.

14 Q. Right.

15 A. Um, so she said that was fine. She sounded
16 upset, and I could hear Nick in the background calling her
17 names and arguing with her. And I asked her if she wanted to
18 talk, and she said that she couldn't right then. And so I
19 told her that I would get ahold of her later and talk to her,
20 because obviously I had some things to talk to her about as
21 well. And, um, then I got off the phone and that was the
22 last time I talked to her.

23 Q. Okay. And you could hear Nick in the background
24 shouting at her; is that right?

25 A. Um, yeah. Well, raised his voice. It was a

M. Smith

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1 higher tone.

2 Q. Okay.

3 A. Um, calling her the B word.

4 Q. Okay. So he was calling her a bitch?

5 A. Correct. Correct.

6 Q. Telling her to get off the phone?

7 A. Um, I do -- I couldn't hear him telling her to
8 get off the phone, but it indicated that way, like --

9 Q. Okay.

10 A. -- they were in the middle of an argument, maybe.

11 So basically, I -- and I could pick up on that.

12 So basically I just told her that I would talk to her later,
13 because she sounded like she needed to talk. And that was
14 the last time I talked to her.

15 Q. Okay. Now, the rest of the day, June 28th, you
16 were -- you have a friend named Cristina Walter.

17 A. Mm-hmm.

18 Q. And you were with her for the rest of the
19 evening, and basically stayed the night at her house?

20 A. At Myrtle Point, yes.

21 Q. Okay.

22 A. Yes, I did. Uh, we did -- we were at Scott's
23 house for a while that night, and then her mom picked us up
24 at Scott's house and, um, we went back to Myrtle Point.

25 Q. Okay.

M. Smith

1 A. And stayed the night at her house.

2 Q. Now, the next day, did you get a phone call from
3 your step-mom?

4 A. Mm-hmm.

5 Q. And did she ask you if you knew where Leah was
6 at?

7 A. Mm-hmm. Yeah, at about 7:00 in the morning,
8 Christina's mom came in and woke me up, saying that my mom
9 was on the phone -- my step-mom was on the phone. And, um,
10 that concerned me, because she never -- you know, it was
11 pretty early, you know.

12 Q. Sure.

13 A. So, um, I answer the phone, and she asked me if I
14 knew where Leah was at. And I told her that I didn't but I
15 had just talked to her on the phone the day before, and the
16 last I knew she was at Nick's -- I believe it was at Nick's
17 house, the last I knew. And she told me that Cory called my
18 house, asking Judy if Leah was with me or if I knew where
19 Leah was or if we'd seen her. Um, and Leah -- and Cory was
20 frantic on the phone. And I told her that I didn't, and
21 Christina and I got up and, you know, did what everybody else
22 did and tried to go find her or see if we could, you know --

23 Q. Okay.

24 A. -- do anything to try to figure out where she
25 was. Because as soon as my step-mom had told me that she

M. Smith

1 didn't come home that prior night, then we obviously got
2 worried because it wasn't like her to do that. She was
3 really close with her mom and told her mom everything she was
4 doing, and so that just -- that immediately got us --

5 Q. Concerned.

6 A. -- concerned.

7 Q. All right.

8 A. Yes. Yeah. Even though it was the very next
9 morning, and so.

10 Q. All right. Did you see Nick later that day?

11 A. Yeah. Yeah. We all got together and tried
12 looking for her.

13 Q. Okay. How did -- how was Nicholas behaving?

14 A. Um, he was behaving very upset. Um, very
15 distraught.

16 Q. Okay.

17 A. Um, which, at the time, I mean I guess we all
18 were, but he was kind of over -- you know, kind of
19 over-dramatic.

20 Q. Over-dramatic?

21 A. I guess you could say. But I didn't really see
22 it at the time. Everybody was upset. I was upset.

23 Q. Okay. Was he frantic?

24 A. Mm-hmm.

25 Q. Crying?

M. Smith

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1 A. Yeah.

2 Q. Did he seem extreme in what he was saying?

3 A. Mm-hmm. Yeah. My sister had to calm him down a
4 couple times. But I can't remember if it was that day --

5 Q. Okay.

6 A. -- or what day it was exactly. It's all kind of
7 a blur after that.

8 Q. Okay.

9 A. But, yeah, um, my sister had to calm him down.
10 My dad -- my dad talked to him quite a bit, and said that --
11 my dad -- my dad actually brought to my attention that he was
12 kind of over-dramatic for us not knowing what had happened.

13 Q. Okay.

14 A. You know, for her only being missing for such a
15 short time at the time that my dad had seen him. It was when
16 he came over to my house, so.

17 Q. Okay. Did Nick ever tell you what happened that
18 night, where he'd seen Leah?

19 A. Um, he had stated that he was supposed to go pick
20 her up and that she wasn't there, at her friend Cheri's
21 house. And he told me that he had drove by her house and
22 tried looking up in her window, and then he got concerned
23 when she wasn't home and he spent all night driving around
24 looking for her.

25 Q. So he said he was driving around all night after

M. Smith

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1 he looked in her window?

2 A. I believe so. I know at one point he went and
3 looked at his -- at her window.

4 Q. Okay.

5 A. Tried to see if he could see in her window.

6 Q. Okay.

7 A. And he stated that he was just out driving around
8 looking for her all night.

9 Q. Okay.

10 A. And that he wasn't with her.

11 Q. Okay.

12 GRAND JUROR: What was -- I got a question.

13 THE WITNESS: Mm-hmm.

14 GRAND JUROR: As a friend, when you say he looked
15 in her window, her window was on the second story, right?

16 THE WITNESS: I think so, yeah. I wasn't at her
17 house very much. I believe it was up, though. That's what I
18 was just going to -- I was just going add that. So he had to
19 look up. And I think he was looking for a light, or some
20 sort of indication that she was there.

21 BY MR. FRASIER:

22 Q. Nick, when he's talking about Leah, did he
23 ever -- in the form of the language he was using, did he ever
24 change -- well, did he refer to her in the past tense?

25 A. Um, yeah. Quite a bit, actually. Um, when him

M. Smith

1 and I would hang out and talk, he would -- often before she
2 was found, he would use past tense and say things like, Leah
3 used to be, or Leah was, or Leah used to like this or do
4 this. And I would always say -- I wouldn't -- I didn't find
5 it strange right at the time, but I would always correct him,
6 and I would say, No. I was like, Don't talk like that. It's
7 like Leah is, Leah does. And I was like, we're going to find
8 her, you know.

9 Q. Okay.

10 A. I was just optimistic about it. And I didn't
11 find it strange, um, until I started really thinking about
12 it, until after she was found. And I started re-thinking all
13 of the stuff in my head.

14 Q. Did you ever ask him why he was using the past
15 tense when referring to Leah?

16 A. No, I didn't find it strange. I just -- I
17 just -- I just corrected him. And I just tried to give him
18 hope. And I had hope. So, basically, since I didn't find it
19 strange, I didn't question it --

20 Q. All right.

21 A. -- at the time, so.

22 Q. Did he -- did Nick ever explain to you any
23 theories he had about Leah's disappearance, what happened to
24 her?

25 A. Hmm-mm. No. Just that he didn't know, or it was

M. Smith

1 out of the ordinary for her. He never tried to come up with
2 any excuses. Like he never said to me, Well, maybe she ran
3 away, or -- he never did that with me. Trying to make things
4 look as though they weren't.

5 Q. Now, I don't want to seem like I'm embarrassing
6 you or anything, but after Leah's body was found, did you and
7 Nick -- well, for lack of better terms, I guess I'll just
8 come out and ask it. Did you guys have sex?

9 A. Yes. It was one time after her body was found,
10 and we were out at his house, and, um, he -- we had had some
11 alcohol. He provided alcohol. We -- I got pretty drunk, for
12 me. And he simply -- we were talking, and he was -- stated
13 that he would -- he knows that Leah would want her best
14 friend to be with him, and that he would rather her best
15 friend -- it was all this stuff he was saying.

16 Q. Okay.

17 A. And it happened one time and that was the only
18 time.

19 Q. All right. Could you tell us, you know, how
20 quick after -- I mean, we're trying to figure in relation to
21 when Leah's body was found, how much time had passed before
22 this incident occurred?

23 A. I think it was a couple weeks.

24 Q. The memorial service had already been held, or do
25 you know?

M. Smith

1 A. No, that had -- no, it was after that.

2 Q. It was after --

3 A. It was after that, yeah.

4 Q. It was after the memorial service?

5 A. Yes. Yes, it was. Yes, if I believe correctly,
6 it was.

7 Q. Okay. Questions I've been asking everybody, I'll
8 ask you too.

9 A. Yeah.

10 Q. Has anybody told you that they killed Leah
11 Freeman?

12 A. No.

13 Q. Has anybody told you that they saw what happened
14 to Leah Freeman?

15 A. No.

16 Q. Again, I'm asking just about everybody this
17 question: You didn't kill Leah Freeman, did you?

18 A. No. No.

19 Q. All right. Is there anything other than what
20 we've talked about here today that you think the grand jury
21 needs to know?

22 A. Um, not off the top of my head, I don't think.
23 I'm a little nervous, so I'm trying to think. Um, I believe
24 all that pretty much covers it, unless anyone has any
25 questions.

M. Smith

1 GRAND JUROR: Did you know Wayne?

2 THE WITNESS: Who?

3 GRAND JUROR: Wayne McGuffin. His older brother?

4 THE WITNESS: His -- no. I'd been out to his
5 house a couple times and I met his parents a couple times,
6 but I don't recall ever meeting his brother.

7 GRAND JUROR: What time did you talk to Leah on
8 the phone the last time you talked to her?

9 THE WITNESS: Um, I was trying to recall, and I
10 think it was in the afternoon, but I'm not sure on a specific
11 time. I can't recall. I believe it was in the afternoon
12 though, because, uh, when Scott and I were breaking up, it
13 was shortly after, right -- right in -- right around there
14 was when I was calling her to basically cut our plans for
15 that evening that we had.

16 GRAND JUROR: You'd heard about Kristen?

17 THE WITNESS: About who?

18 GRAND JUROR: You'd heard about Kristen?

19 THE WITNESS: Mm-hmm. Yes.

20 GRAND JUROR: Did you know Kristen?

21 THE WITNESS: Um, briefly. I didn't know her on
22 a personal level. I'd seen her a couple of times and met her
23 a couple times. I didn't care to, honestly. So. I didn't
24 know about her until I found out that he cheated on me with
25 her, so.

M. Smith

1 GRAND JUROR: I mean, how did you find that out?
2 Was it -- (indiscernible.)

3 THE WITNESS: Um, well, I went and got some STD
4 checking and I had, um, chlamydia.

5 GRAND JUROR: Oh. I'm sorry.

6 THE WITNESS: And, yeah, I lost my virginity to
7 Scott, and he's the only person I had ever been with. And so
8 I basically confronted him, and that's how I figured it out.
9 So he kind of had to tell me. So, that's how I found out.

10 GRAND JUROR: What were your plans for that night
11 that you were canceling?

12 THE WITNESS: Um, we were just going to hang out.
13 I think that we didn't really make plans for that night. We
14 had went to the river the day before, and I know we weren't
15 going to do that again.

16 GRAND JUROR: You guys as couples, or you and
17 Leah?

18 THE WITNESS: Me and Leah. And possibly Scott
19 and Nick. We just -- basically, when we left each other the
20 day before when we went to the river, we said, Let's hang out
21 tomorrow. Okay, you know. So we were going to call the next
22 day and make plans and do whatever, but it didn't really work
23 out that way. But --

24 GRAND JUROR: Did Leah say anything about going
25 to another girlfriend's house that -- later that night?

J. Reab

1 THE WITNESS: Hmm-mm. No. I didn't know she was
2 going to Cheri's house.

3 GRAND JUROR: Okay.

4 THE WITNESS: When I talked to her on the phone,
5 it was just briefly. Um, I asked her if she needed to talk
6 because I heard her and Nick arguing and I heard him call her
7 a bitch, and she said she couldn't. And I told her I'd talk
8 to her later, and that was the last time I talked to her.

9 (Pause.)

10 MR. FRASIER: Any other questions?

11 GRAND JUROR: I don't think so.

12 MR. FRASIER: Okay. I think that will do it.

13 THE WITNESS: All right.

14 MR. FRASIER: You're free to go.

15 GRAND JUROR: Thank you.

16 THE WITNESS: Thank you, guys.

17 **TESTIMONY OF JANET REAB**

18 (Witness sworn.)

19 BY MR. FRASIER:

20 Q. Okay. First of all, ma'am, this is the grand
21 jury for Coos County. We're looking into the disappearance
22 and death of Leah Freeman. One thing I need to tell you
23 about, it's obvious, but we're recording everything here
24 today, okay?

25 A. Okay.

K. Stevens

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1 just had to make sure.

2 THE WITNESS: Sure. (Laughter.)

3 Fair.

4 GRAND JUROR: Was part of your job to make any
5 conclusions --

6 THE WITNESS: No.

7 GRAND JUROR: -- or just do this?

8 THE WITNESS: Just do that.

9 GRAND JUROR: So you have not come to any
10 conclusions?

11 THE WITNESS: No. I put the data together so
12 that --

13 GRAND JUROR: That's not fair to ask her.

14 THE WITNESS: -- so that the officers can --

15 GRAND JUROR: I figured I'd try. (Laughter.)

16 THE WITNESS: -- get more of a visual picture.

17 MR. FRASIER: Okay.

18 GRAND JUROR: You did a good job.

19 THE WITNESS: Thank you.

20 MR. FRASIER: Anything else?

21 All right. Thank you. You can disappear.

22 THE WITNESS: Thank you.

23 **TESTIMONY OF KYLA STEVENS**

24 (Witness sworn.)

25 BY MR. FRASIER:

K. Stevens

1 Q. Okay. This is the grand jury for Coos County,
2 and they're looking into the disappearance and death of Leah
3 Freeman. It obvious, but I got to tell you we're recording
4 everything here today. All right?

5 First of all, could you tell us your name and
6 where you live.

7 A. My name is Kyla Danae Stevens, and I live in
8 North Bend on 2570 26th Street.

9 Q. And do you know an individual named Nick
10 McGuffin?

11 A. Yes, I do.

12 Q. How do you know Mr. McGuffin?

13 A. I met Nick, like a year ago, through, um, our
14 employment at the Mill Casino. And we started dating, like a
15 couple months ago, and I moved in with him. So that's kind
16 of how I know him.

17 Q. All right. He had been living with or dating an
18 individual named Megan Edgerton? Is that --

19 A. Yeah.

20 Q. Okay. And apparently they had broken up, and
21 then that's when you got together with him?

22 A. Yeah, a couple months after.

23 Q. Okay. I guess what we're -- I guess we'll just
24 get right down to it. Did you actually live with Nick for a
25 while, or --

K. Stevens

1 A. Mm-hmm. Yes, sir.

2 Q. Okay. And where were you living together?

3 A. Um, at his house on Access Road in Englewood --
4 or Green Acres. Sorry.

5 Q. Has Nick ever talked to you about Leah Freeman?

6 A. Yeah, a couple times.

7 Q. Okay. What has he told you about Leah Freeman?

8 A. You just want to know the whole story --

9 Q. I want to know the whole story.

10 A. -- that I've been told?

11 Q. From Nick.

12 A. Okay.

13 Q. I mean, not from other people.

14 A. Right.

15 Q. What has Nick told you about Leah Freeman?

16 A. Okay. Um, I'll start it out by telling you that
17 that night he was at his friend's Brent's waiting to pick up
18 Leah. And she was at another friend's house, and I guess
19 they were supposed to have like a barbecue or something that
20 night. And he arrived at her house like ten minutes after
21 9:00, and her friend had been crying and said that they had
22 gotten into a fight and Leah had walked off. Left the house
23 walking.

24 And so after he had found that out, he went
25 around looking for her. He said that he had pulled over a

K. Stevens

1 police officer. Like I guess he was swerving, trying to get
2 pulled over I guess, so he could tell the officer that she --
3 he can't find her. And I guess he said that they just kind
4 of shunned him. And he went to Leah's sister's work and told
5 her that she can't -- he can't find Leah. And she kind of
6 shunned him too, and -- so I guess after he couldn't find
7 her, he just went home.

8 And then the next day went around looking for
9 her, and I guess showed a girl -- and I get the names mixed
10 up. There was an Erika and an Alicia. Um, one -- he went up
11 to one of the girls and showed her a picture of Leah, and
12 before she ever said anything she just broke down into tears
13 and told Nick that she's sorry because she knows what
14 happened to her and that it was her boyfriend Bill that did
15 it.

16 And, um, I guess there had been a letter written
17 to Nick from one of the two, I don't know, um, saying that
18 she hears Bill wake up in the middle of the night screaming
19 from nightmares about Leah, and that she's sorry what Nick
20 has to go through because of it.

21 Q. Um --

22 A. And then he told me -- I don't know how he knew
23 this, but that, um, Leah had been walking that night, and
24 somebody was driving a car and pretended to hit her. And
25 actually hit her, and then picked her up and put her in their

K. Stevens

1 car and drove her to some guy named Tom's house on, like,
2 Libby Lane in Coos Bay. And did whatever they did to her
3 there, and then took her back to Coquille.

4 Q. Was there anything about an acid party, or people
5 being high on acid?

6 A. Yeah, I guess there was like a hundred hits of
7 acid that came into Coquille that night or something. And
8 everyone was all messed up.

9 (Pause.)

10 BY MR. FRASIER:

11 Q. Now, when you started dating Nick, were you aware
12 of -- did you have any idea who Nick was, or relation to --

13 A. Absolutely not.

14 Q. Okay. And --

15 A. He had moved away from Bend, and for all I knew
16 he had just moved back into town from Bend. And I just
17 thought he was from Bend and moved into this town.

18 Q. Okay.

19 A. So, I mean, I had no idea who he was.

20 Q. So, it came out that the police were re-opening
21 the investigation --

22 A. Mm-hmm.

23 Q. -- into Leah Freeman's death.

24 A. Mm-hmm.

25 Q. Were you guys together at that point?

K. Stevens

1 A. Yeah. Well, we weren't officially -- I think I
2 wasn't living with him, but we were hanging out quite a bit.

3 Q. All right. And then that is when he -- when it
4 came out, that's when he started telling you about this?

5 A. Yeah. Actually, the -- my parents had heard
6 about it, and said that they wanted to talk to me about it.
7 And he wanted to talk to me about it before my parents did, I
8 guess. So that night he actually told me the story I just
9 told all of you.

10 And my parents were kind of freaked out about it,
11 so they wanted to talk to Nick. And he went over there and
12 talked to my parents. And my parents were more comfortable
13 after talking to him, but I wasn't there. I didn't --

14 Q. Okay. There has been some concern -- and I don't
15 know where this came from, and I just want to make sure it's
16 clear. There's been some concern that people might be
17 telling you what to tell us here today, or anything like
18 that. Has anybody told you what to say to us?

19 A. Absolutely not.

20 Q. Okay.

21 A. No.

22 Q. So, the police haven't told you what to say --

23 A. No.

24 Q. -- here today?

25 A. Hmm-mm.

K. Stevens

1 Q. The McGuffin family hasn't told you what to say?

2 A. Hmm-mm.

3 Q. Okay. And I think the grand jury probably needs
4 to know this, but I'm not going to ask you any questions
5 about it. But currently, right now, you're -- you've been
6 charged with a crime relating to harassment of Mr. McGuffin.

7 A. Mm-hmm.

8 Q. You guys had a fight or something.

9 A. Yeah.

10 Q. Okay. I'm not getting into it.

11 A. Uh-huh.

12 Q. I don't want to know anything about it.

13 A. Right.

14 Q. Your lawyer's asked me not to go there --

15 A. Okay.

16 Q. -- and I'm not going to do that.

17 A. Okay.

18 Q. But I think they need to know that there's that
19 issue there.

20 A. Mm-hmm.

21 Q. All right? Okay?

22 A. Yeah.

23 Q. All right. Has anybody told you that they killed
24 Leah Freeman?

25 A. No.

K. Stevens

1 Q. Has anybody told you that they were there and saw
2 what happened to her?

3 A. No.

4 Q. Outside of what you've told us here, do you have
5 any firsthand information about what happened to Leah
6 Freeman?

7 A. No.

8 MR. FRASIER: Okay. Does the grand jury want to
9 ask her anything?

10 GRAND JUROR: How was your relationship with
11 Nick? When were you with him? That's where I was kind of --

12 THE WITNESS: Um --

13 GRAND JUROR: You're not with him no more?

14 THE WITNESS: No. We broke up after this
15 incident had happened about -- let's see, it was like a
16 couple of weeks ago, this happened. And we, since then,
17 haven't been talking or anything. I mean, I have a no
18 contact order with him.

19 GRAND JUROR: Yeah.

20 THE WITNESS: Like, I can't even work right now
21 because of it.

22 So, about three months ago was when we started --
23 like is when I moved in with him. But just since he started
24 working at the Mill and we started hanging out. I mean, a
25 couple months after he started working there.

K. Stevens

1 GRAND JUROR: And he -- does he work in the same
2 area?

3 THE WITNESS: We both work in food and beverage.
4 He's in the banquet department, I'm -- work in the restaurant
5 at the Mill.

6 GRAND JUROR: That's where I've seen you.

7 THE WITNESS: (Laughs.)

8 GRAND JUROR: You're a hostess.

9 THE WITNESS: Yeah.

10 GRAND JUROR: How was your relationship when you
11 were with him?

12 THE WITNESS: It was good. I mean, he was a good
13 boyfriend to me. He was a great father.

14 GRAND JUROR: Did you have kids with him?

15 THE WITNESS: Hmm-mm.

16 GRAND JUROR: Okay. So why do you make that
17 comment?

18 THE WITNESS: Just because he has a daughter with
19 Megan, and he has --

20 GRAND JUROR: Oh, okay.

21 THE WITNESS: -- they have joint custody, so I
22 see her a lot. Well, did.

23 GRAND JUROR: So, he would -- was he ever violent
24 or aggressive with you?

25 THE WITNESS: Just with this past incident that

K. Stevens

1 happened. I mean, it was a mutual thing, but --

2 MR. FRASIER: Well, let's -- we can't --

3 THE WITNESS: Okay.

4 MR. FRASIER: We can't talk about that, okay?

5 So.

6 GRAND JUROR: So, he only told you one time about
7 what had transpired with Leah? That one time. He didn't
8 mention it again?

9 THE WITNESS: Well, he mentioned it a couple more
10 times. I mean, he wouldn't re-tell the diff -- a different
11 story or anything. Just, you know, little bits and pieces of
12 it. Like, I guess recently a lady came forward with -- I
13 guess she was a witness to seeing Bill and Tom and Alicia or
14 Erika or whatever, seeing them burn Leah's clothes. And I
15 guess -- I mean, that's just something he told me. Just
16 little things that he said about it. I mean, it's not -- he
17 doesn't, you know, talk about it a lot.

18 GRAND JUROR: Did he talk about his brother at
19 all, Wayne?

20 THE WITNESS: Uh-huh.

21 GRAND JUROR: Did you ever meet Wayne?

22 THE WITNESS: Yeah.

23 GRAND JUROR: Do you know Wayne?

24 THE WITNESS: Well, I just met Wayne, actually.
25 I ran into him at the mall because he was her -- here for the

K. Stevens

1 grand jury, but --

2 GRAND JUROR: Mm-hmm.

3 THE WITNESS: -- um, he went over to visit him a
4 couple months ago in Hawaii. And I talked to him a little
5 bit, but nothing about, like, the case or anything with
6 Bruce.

7 GRAND JUROR: He did go over to visit in Hawaii a
8 couple months ago?

9 THE WITNESS: Mm-hmm. Or Wayne. Sorry. Yeah.

10 GRAND JUROR: Yeah, okay.

11 GRAND JUROR: Was that just to get together, as
12 far as you know?

13 THE WITNESS: Yeah, just a little -- he was
14 wanting to get away from work and town for a little bit,
15 stayed over there with him.

16 GRAND JUROR: Did you meet his parents?

17 THE WITNESS: Mm-hmm.

18 (Pause.)

19 GRAND JUROR: Did his parents say anything about
20 the case?

21 THE WITNESS: Um, yeah, a little. No things.
22 Just his dad had said, um -- because I guess people had seen
23 Nick driving a Mustang and a T-bird that night or something.
24 And he just told me that he had the keys to that T-bird and
25 it was locked up in the shed. And like I guess it was a

T. Cooper

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1 joke, Daddy took the T-bird away, that -- in that time. So,
2 I mean, it's -- they wrote out their own little timeline and
3 then compared it to the timeline that the police put together
4 and -- I don't know.

5 GRAND JUROR: So they made you privy to a lot of
6 information, then, actually about what --

7 THE WITNESS: Kind of, yeah.

8 GRAND JUROR: Are you scared of Nick?

9 THE WITNESS: I wouldn't say scared, no.

10 (Pause.)

11 MR. FRASIER: Any other questions for Kyla?

12 Okay. I think you're done. You're free to go.

13 THE WITNESS: Thank you. Have a nice day.

14 GRAND JUROR: Thank you.

15 **TESTIMONY OF TROY COOPER**

16 (Witness sworn.)

17 BY MR. FRASIER:

18 Q. First of all, this is the grand jury for Coos
19 County. They're looking into the disappearance and death of
20 Leah Freeman. And I got to tell you we're recording
21 everything.

22 A. Okay.

23 Q. All right. First of all, could you tell us your
24 name, please, sir, and the city you live in.

25 A. Troy Cooper. Coquille, Oregon.

M. Dannels

1 GRAND JUROR: Thank you.

2 THE WITNESS: Thank you, guys.

3 **TESTIMONY OF MARK DANNELS**

4 (Witness sworn.)

5 BY MR. FRASIER:

6 Q. Okay. First of all, sir, could you tell us your
7 name and occupation.

8 A. My name is Mark Joseph Dannels. I'm currently
9 employed by the City of Coquille as their police chief.

10 Q. And how long have you been the police chief here?

11 A. Since August of 2008.

12 Q. Prior to that, sir, do you have other experience
13 in law enforcement?

14 A. Yes.

15 Q. And what was that?

16 A. I entered the law enforcement profession back in
17 May of 1984 with the City of Bisbee, Arizona, Police
18 Department. I left there in January of 1986 to join the
19 Cochise County Sheriff's Office, which is in southern Arizona
20 south of Tucson. I worked my ranks from deputy sheriff up to
21 the rank of deputy commander, where I retired in -- August
22 15th of 2008 to take the job here in Coquille.

23 Q. When you came to Coquille -- well, actually prior
24 to you coming to Coquille, as part of the interview process
25 and so forth, did you become aware of this case that had been

M. Dannels

1 pending since 2008 [sic], the death of Leah Freeman?

2 A. Yes, I did.

3 Q. And once you had taken the job and had actually
4 come to work here, what if anything did you do to address
5 this case?

6 A. I spoke down -- I sat down with Mr. Frasier, our
7 district attorney here in Coos County, sitting to my left
8 asking me the questions, in regards to his thoughts on this
9 case since I wasn't here eight years prior when it happened.
10 He showed an interest in putting this case back into light,
11 and putting it back together and seeing if there was
12 something we could do with it.

13 The first thing I recognized, looking at my
14 files, was we had to put the case back together. And --
15 well, we have a manual file, and we have matching files that
16 matched what the district attorney's office had. And to make
17 sure that we both had files that were identical, that we
18 could say, Okay, this is our good solid case file that we
19 could move forward with.

20 And -- and what I did also was I contacted
21 officers that were involved in the case back in 2000 that
22 could help me put the case back together, and so I could
23 understand what happened back then and what didn't happen
24 back then.

25 And -- and we did that for about 11, 12 months

M. Dannels

1 before we went public with the case.

2 Q. So you actually -- the officers that you had
3 brought in, these were law enforcement officers that had
4 retired, and you brought back to kind of help out, put this
5 thing back together?

6 A. Correct. Based on what you had asked -- what you
7 had told me who was involved, and other things I had heard
8 through other agencies.

9 Q. Those individuals included people like retired
10 detective Sergeant Craig Zanni with the sheriff's office.
11 Retired Sheriff Mike Cook. Retired Lieutenant Larry Leader.
12 Jim Pex, who was retired from the Oregon state crime lab.
13 Those types of individuals?

14 A. Yes. All of them above, yes.

15 Q. Once the case had been put back together, then
16 did you ask for the assistance of what's sometimes referred
17 to as our major case team, or our major incident team,
18 however they want to call it; where we, you know, had other
19 officers involved come to -- come back and work on the case?

20 A. Correct. Mr. Frasier and I actually came
21 together, and being long beyond the major crime scene, we
22 actually hand-selected people from the major crime scene that
23 we felt really could show an interest in helping solve this
24 case.

25 Q. And we went public with that at the latter part

M. Dannels

1 of January this year?

2 A. January 20 -- 24th. 24th, 25th of 2010.

3 Q. What was your intent when you got all these
4 people together? What did you want them to do in terms of
5 this investigation?

6 A. My main objective was to see if we could solve
7 the homicide case of Leah Freeman. Prove and disprove --
8 there's a lot of, there were a lot of rumors out there. And
9 I call them rumors until I felt they were -- and the team
10 felt -- we worked under a team, investigative-type
11 environment. That we were comfortable and confident that
12 what we had discovered, we could move forward with.

13 Q. How many different officers did we have involved
14 in this case?

15 A. I -- at different times, over 30 officers,
16 depending on what we were doing that day. Whether it be a
17 search warrant or whether it be a surveillance or whether it
18 be just going through files or putting team assignments out
19 to go out and do interviews.

20 Q. Did you send officers to such places as Montana,
21 and Idaho, Washington, Arizona?

22 A. Them and myself all traveled, yes.

23 Q. Okay. One of the things in this case, was there
24 an attempt to find the Mustang that had been in the
25 possession of Mr. McGuffin at the time that Leah had

M. Dannels

1 disappeared?

2 A. Yes.

3 Q. Was the Mustang actually found?

4 A. Yes, it was.

5 Q. And did your department take custody of that
6 vehicle, for a couple months at least?

7 A. Yes, we did.

8 Q. Did you have that vehicle inspected for potential
9 evidence in this case?

10 A. Yes. We actually spoke to the prior crime lab
11 technician and had it re-inspected to make sure nothing was
12 missed.

13 Q. And was anything of evidentiary value found in
14 the Mustang?

15 A. No.

16 Q. There was a purple Kia that apparently Zack
17 Elderkin had loaned to Kristin Steinhoff the night that Leah
18 disappeared. Was an attempt made to find that car?

19 A. Yes, there was.

20 Q. And was the car located?

21 A. Yes.

22 Q. And where is it now?

23 A. It is sitting by -- it's at the city yard, here
24 in our custody.

25 Q. Did your department and my office in essence buy

M. Dannels

1 that car?

2 A. Yes, we own that car.

3 Q. Okay. Did you -- did you have -- again, have the
4 crime lab go over that particular vehicle?

5 A. Yes.

6 Q. Was anything of evidentiary significance found?

7 A. In regard to this case, no.

8 Q. Mr. and Mrs. McGuffin, Bruce and Kathy McGuffin,
9 have you had contact with those people?

10 A. Yes, I have.

11 Q. When did you first have contact with them?

12 A. The first contact was either later part of 2008,
13 early 2009. I came -- Lieutenant Smith and I made a traffic
14 stop on a vehicle for a traffic violation, unbeknownst to who
15 the driver was or the owner was. I believe it was a speeding
16 violation. And the driver turned out to be Bruce McGuffin.

17 At that time he introduced himself to me as he
18 had been wanting to meet me as the new police chief, and
19 wanted to sit down with me and talk to me about this case. I
20 advised him I would get with him and follow through with his
21 request. And, um, we left it at that, and I gave him a
22 warning for the speeding. I believe it was speeding.

23 Q. At sometime in the -- later, did you actually go
24 out to the McGuffin home to discuss the matter with them?

25 A. Yes, I did.

M. Dannels

1 Q. And could you tell the grand jury what happened.

2 A. I -- I had also been asked by the wife too, on a
3 separate occasion where I ran into her, about the same offer.
4 So in October of 2009 I made a request or a follow-up to
5 their request to come to their home and to spend a few
6 minutes with them in regards to what they would like to
7 address with me. And I did do that.

8 Q. What happened in that meeting?

9 A. During the meeting Bruce and Kathy -- I was at
10 their home off Baker Road. I sat down. I had Lieutenant
11 Smith with me. When I walked in and sat down, they started
12 asking me about what DNA I had. I advised them I was not
13 going to disclose or discuss the case with them.

14 Mr. McGuffin stated at that point that he would
15 offer up his DNA. I said, That's -- that's kind of you.

16 And -- and then asked me -- explained that he
17 wanted me to prove his son's innocence. I advised him and
18 his wife that my job was to prove who committed the -- the
19 murder of Leah Freeman. Whether that be his son or somebody
20 else, that was my goal.

21 When the case was looked at and open -- he had no
22 idea I had been looking at the case for the following year.
23 He -- I didn't divulge that.

24 He -- he then went into the -- the fact I should
25 be looking at people like Bill Sero, Tom Stemmerman. I --

M. Dannels

1 and people like that, that, you know, had really been ignored
2 in the case. In that conversation, Nick McGuffin showed up.

3 Do you want me to continue with that?

4 Q. Sure.

5 A. Nick McGuffin showed up with his then-girlfriend,
6 Megan Edgerton. And they had a child. In fact Bruce and
7 Kathy were watching his child when I got there.

8 Nick didn't say much at first. He was kind of
9 stand-offish. But then, once he saw that we were having a
10 professional and polite dialogue, Nick jumped in and made a
11 comment that -- same thing. You need to be looking at Tom
12 Stemmerman and Bill Sero and -- and Alicia Michaud, and just
13 all kinds of names.

14 And I asked the question, I said, Why would I
15 look at them? And, Tell me why. The next thing they stated
16 that they're dangerous people, they're drug dealers. And
17 then I remember stating that there's a lot of dangerous
18 people out there. There's a lot of drug dealers out there,
19 but why specifically them? And they didn't give me an
20 answer.

21 Then they -- Bruce made a comment to me that he
22 had 300 pages of documents to prove Nick's innocence when he
23 was arrested. He goes, I'd like to share those with you, but
24 I'm hesitant to do that. And -- and we're going to -- we're
25 going to wait and see what happens. And we're going to hold

M. Dannels

1 that for when he's arrested.

2 GRAND JUROR: Wayne or Nick?

3 THE WITNESS: Nick.

4 GRAND JUROR: Okay.

5 THE WITNESS: When -- when he's arrested.

6 GRAND JUROR: When he's arrested.

7 THE WITNESS: I'm sorry.

8 And I advised them at that point that I would be
9 in touch, and let them know what I've -- what we're going to
10 do with the case. And -- and I told Nick, if he wants to
11 talk, talk to me. I mean, I'm available. I'm easy to get
12 ahold of. And we shook hands and I left.

13 BY MR. FRASIER:

14 Q. These documents that Bruce referred to. Based on
15 what you were hearing from Bruce, did these documents -- I
16 mean, he says they would exonerate Nick.

17 Did you take that to mean that it would show who
18 the true killer of Leah Freeman was?

19 A. They stated that, and I apologize if I didn't
20 enlighten on that. They stated that it would show his
21 innocence and who killed Leah Freeman. And -- and so which
22 really sparked my -- why not give those to me? But -- yes,
23 to your answer.

24 Q. Okay.

25 A. Or questions.

M. Dannels

1 Q. All right. Getting down to January 2010, January
2 24th, you announce that. The day before you made your public
3 announcement that the case was being re-opened or
4 revitalized, however you want to phrase it, did you attempt
5 to notify the McGuffin family of what your department was
6 going to do?

7 A. As a professional courtesy and to hold my word,
8 on the day before we did our press conference, Lieutenant
9 Smith and I went to Nick McGuffin's residence about 10:00 in
10 the morning and knocked on the door. Nick came to door. It
11 took him a few minutes. Came to the door. Looked like he
12 was sleeping. And -- based on his demeanor.

13 I -- I greeted him. I said, Nick, can I come
14 inside? He allowed me in his home with Lieutenant Smith. I
15 said, Nick, the purpose of my visit today is to let you know,
16 tomorrow we're going to have a press conference. We're going
17 to open up the case for Leah Freeman, and try to see if we
18 can find out who killed Leah Freeman.

19 And Nick got very nervous with me, to the point
20 he was sweating from his brow, and said -- started making the
21 comment, you know, Why didn't you just call me? Why are you
22 here? I said, Because I'm keeping my word to you. I told
23 you if -- based on you and your parents' request, that I
24 would do my best to solve this case. And I didn't want you
25 to see that we opened this case without a professional visit

M. Dannels

1 from me.

2 And I -- at that point I advised him that if he
3 had anything to prove his innocence, as stated several months
4 prior, that I would be available to sit down with him or have
5 one of the team members talk to him. He started yelling at
6 me about, you know, Tom Stemmerman, Bill Sero, Alicia
7 Michaud; that's who I should be looking at. Why am I at the
8 house? I said, Nick, I'm doing this as a courtesy. And --
9 and actually I -- a couple times I just would say, Nick,
10 Nick, Nick, calm down. I've been -- I'm doing this as
11 your -- for your benefit.

12 We walked out. We never addressed -- raised our
13 voice to address him in any other way. He followed us out
14 into the front yard where he continued to yell at us. We got
15 in our car and we drove away.

16 We directly drove to his parents' house, and --
17 to advise them, per their request and per our conversation.
18 As we -- Lieutenant Smith and I pulled in there, Bruce
19 McGuffin was on the front porch. I got out the passenger
20 seat. Lieutenant Smith was driving. I took two steps and
21 Bruce started yelling profanity about, This is F'ing
22 harassment. And Kathy McGuffin came out from the inside onto
23 the porch stating similar about the harassment.

24 And Bruce says, Get the F off my property unless
25 you have a search warrant. I said okay, got back in the car,

M. Dannels

1 and we left.

2 Q. Based on -- well, you had -- these documents that
3 they said would show who the real killer of Leah Freeman was.
4 Did you ask the team, or was -- did the team apply for a
5 search warrant for the Bruce and Kathy McGuffin home?

6 A. Yes, we did.

7 Q. And did you subsequently execute -- was that
8 warrant subsequently executed to obtain those documents?

9 A. Yes, it was.

10 Q. Have you or other members of the team gone
11 through those documents page by page?

12 A. Yes.

13 Q. Now, one of the things Bruce McGuffin seems to
14 keep raising is bloody clothes associated with Bill Sero.

15 A. That's correct.

16 Q. In going through the case file, did you find that
17 in August of 2000 -- excuse me, August of 2000, that clothes
18 belonging to Mr. Sero had been seized from a residence where
19 he was staying at that time in Myrtle Point?

20 A. Coos Bay.

21 Q. No, there was two residences.

22 A. Okay. Yeah.

23 Q. Was -- and they were --

24 A. They were seized, yes.

25 Q. Okay. And then there was the Tom Stemmerman

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1 home, he had clothes out there. And the police in 2000 had
2 actually seized those clothes?

3 A. Yes, that's correct.

4 Q. In looking through the case file, did it appear
5 that those clothes had been sent to the crime lab to check to
6 see if they had any blood on them?

7 A. Back in 2000, no.

8 Q. Did -- were they sent this year?

9 A. They were sent in the current investigation, yes.

10 Q. In some of those clothes, or at least on one
11 shoe, there appeared to be some sort of blood. Is that
12 correct?

13 A. Yes.

14 Q. And was that sent to the DNA lab for further
15 testing to see if there was any connection with this case?

16 A. Yes, it was.

17 Q. And did you speak with the DNA laboratory last
18 Friday?

19 A. Yes.

20 Q. Thursday, whenever it was?

21 A. Yes, I did.

22 Q. And were you told that the testing done on the
23 clothing of Bill Sero, if there was any blood on there, it
24 belonged to Mr. Sero and nobody else associated with this
25 case?

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1 A. Correct.

2 Q. Now -- (pause.)

3 Mr. Bruce McGuffin had testified in front of the
4 grand jury that the police in this case have been
5 intimidating witnesses, have been out there yelling and
6 screaming -- or I shouldn't say yelling and screaming, but
7 them telling or threatening witnesses that they need to
8 change their story to conform to whatever the police want
9 them to testify. Have you or any officer in your presence
10 ever done that?

11 A. No.

12 Q. Are you -- has any complaint been brought to you
13 outside of Mr. McGuffin, from any witness saying that
14 they're -- someone's been trying to intimidate us into
15 testifying in this particular manner?

16 A. No.

17 Q. If that occurred, what would you have done?

18 A. I would address the investigators to what's going
19 on. We -- we took the approach on this that we would talk to
20 as many people that was listed that was involved in this case
21 back then, and -- and re-interview them. The majority of
22 people were very -- I can't think of any conflict where -- we
23 had a couple that just didn't really want to talk to us. But
24 it was simple enough: Okay. Thank you. Here's our card.
25 But I don't recall ever any really difficult ones that just

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1 really stood up and said, you know, they don't want to talk
2 to us.

3 MR. FRASIER: Okay. I don't think I have
4 anything else to ask the chief. Does the grand jury want to
5 ask him anything?

6 GRAND JUROR: Do you know why all this -- the
7 clothes and everything, why all this wasn't tested in 2000?

8 THE WITNESS: I -- I can't answer that, ma'am.
9 One thing, we -- when we opened the case with fresh eyes,
10 with a new team back in January, they actually came on about
11 a month before that. We took on this case that it happened
12 the day before we started. And so everything we had, if it
13 wasn't analyzed, we had to analyze it. If it was analyzed,
14 we re-looked at the evidence to see if it needed to be
15 re-analyzed again. And, uh, so we -- we took it fresh.
16 Fresh eyes, fresh look.

17 GRAND JUROR: So, you didn't have much of
18 anything as far as DNA or --

19 THE WITNESS: In physical evidence, no.

20 GRAND JUROR: All right.

21 THE WITNESS: Unfortunately.

22 GRAND JUROR: So, in your professional opinion,
23 the case that you've developed now, do you feel that you
24 discovered enough new evidence to indicate anybody in this
25 case? More than last year? Or --

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1 MR. FRASIER: I -- I -- I don't think that's a
2 question that -- I'm not sure that's a proper question I can
3 let you ask.

4 GRAND JUROR: Well, I'm asking --

5 MR. FRASIER: That's a question you have to
6 decide, not what the chief decides.

7 GRAND JUROR: No, but I'm asking -- the new
8 evidence indicates more than the old evidence. Because
9 you've said you looked at new evidence, right?

10 Am I wrong?

11 MR. FRASIER: Um --

12 GRAND JUROR: I thought he said he discovered
13 things that haven't been done.

14 MR. FRASIER: Okay.

15 GRAND JUROR: And did --

16 MR. FRASIER: You're asking him that -- you can
17 ask him what things that weren't done that he had, but if
18 you're asking him to express an opinion about who's guilty in
19 this case, I don't think you can do that.

20 GRAND JUROR: Okay.

21 MR. FRASIER: All right. Okay.

22 GRAND JUROR: So, we can't have his professional
23 opinion as part of the investigation team?

24 MR. FRASIER: Well, maybe I can phrase the
25 question this way, and maybe this will -- okay.

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1 In the course of this investigation, did you try
2 to eliminate individuals as potential suspects in this case?

3 THE WITNESS: Yes.

4 MR. FRASIER: Is there anyone you've not been
5 able to eliminate?

6 THE WITNESS: Yes.

7 MR. FRASIER: And who is that?

8 THE WITNESS: Nick McGuffin. And -- can I
9 elaborate on that?

10 MR. FRASIER: Sure, I guess. (Laughter.)

11 But I -- we got to be careful.

12 THE WITNESS: Okay. I won't then.

13 GRAND JUROR: I have a question. You -- you said
14 that when you talked to Bruce and Kathy, you wanted to
15 share -- or Bruce had 300 pages of documents and wanted to
16 share them with you, but didn't share them until -- you said
17 until he is charged. Who is he?

18 THE WITNESS: He's Nick.

19 GRAND JUROR: So Bruce and Kathy knew that there
20 was a focus on Nick?

21 THE WITNESS: Yes.

22 GRAND JUROR: No one else, at that point?

23 THE WITNESS: The main objective was for me to
24 become their investigative agent to prove his innocence.
25 And -- and I advised them that I can't be their agent. I

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1 work for the state.

2 GRAND JUROR: The -- I think you said when they
3 said -- I think you said, Until he's arrested, or something
4 like that. Charged.

5 What would lead them to believe -- I mean, other
6 than suspicion. Was there -- I mean, I've got the impression
7 through this whole process that the McGuffins have felt their
8 son was the -- to put it -- the prime suspect, let's say.

9 Is there any official reason for them to believe
10 he was?

11 THE WITNESS: When I spoke to the McGuffins on --
12 talked to Kathy, talked to Bruce, and then came together as
13 one at their home. Not one time did I ever say Nick was a
14 suspect. Not one time did I ever say that the focus of this
15 investigation should be on Nick, or will be on Nick. It was
16 the focus of solving the case and proving who killed Leah
17 Freeman. Their assumptions were that Nick --

18 GRAND JUROR: Wasn't the prime -- or was a
19 suspect.

20 THE WITNESS: Yeah. That was never a plan from
21 me.

22 GRAND JUROR: Just to be -- it was their
23 assumption.

24 THE WITNESS: Yes.

25 BY MR. FRASIER:

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1 Q. And let me -- just so we're clear here, Chief,
2 when you entered this investigation, you didn't have any
3 preconceived notions as to who was guilty or anything along
4 that line?

5 A. No.

6 Q. And was it your intent to look at, or to look at
7 the evidence in the case, what the out -- investigation found
8 as the case progressed, and see where it led, versus, Okay,
9 we're going to pin this on Nick McGuffin come hell or high
10 water.

11 A. Actually, I was probably a -- um -- and that's
12 why I wanted to see what the case needed to be put back
13 together, or how to put it back together, on what -- like
14 what you said, some things that weren't done. And -- and
15 then, like I'm looking forward and seeing these time lines.
16 And -- and, um, we wanted to get a good look at a time line
17 to see what people had told us, where that looked compared to
18 other statements.

19 And so I was -- I wasn't set that Nick McGuffin
20 did it. Even though he was the boyfriend and stuff, I wasn't
21 convinced of anything, based on the fact that I didn't
22 investigate this back in 2000.

23 I've worked general crimes. I've worked in law
24 enforcement a long time. And -- and so even though -- I
25 mean, that might have been a focus back in 2000. It wasn't

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1 my focus.

2 And then as the case progressed and, you know,
3 eliminations were made here and there, it finally got to the
4 point of credits and discredits, and who could we give credit
5 to and who could we not give credit to. And -- and the
6 question of who could I eliminate, and that was Nick
7 McGuffin.

8 GRAND JUROR: When you say you couldn't eliminate
9 Nick, is it -- is that largely based on the time line?

10 If I -- is that -- is there physical, or evidence
11 other than the time line that you would attribute to that?

12 THE WITNESS: The unique thing about this case,
13 this is -- you know, and I don't want to speak out. This is
14 a circumstantial case. This is a case that is a 10-year
15 case, cold year case -- cold case that, you know, 10 years
16 later we're sitting here today. Those are very difficult, as
17 we know, because you can't pull something -- a lot of times
18 you can't pull something up that wasn't pulled up in the
19 first 24 or 48 hours.

20 The best thing that we had going for us, once we
21 got into the case and started putting time lines together and
22 starting to figure out who said what, who didn't say what,
23 and got back into the investigation with the current times --
24 and every time we did an interview, we brought it back into a
25 case file and put that into perspective; where it fits into

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1 this investigation, and whether it be a credit or discredit.
2 And what I mean by that is we do have what Nick had told us
3 back then, and -- told the previous chief investigator, I
4 mean.

5 And then we get statements that either discredit
6 that, credit that, or his own time line. I mean, we think,
7 well, he couldn't have been because this person's saying
8 this.

9 So that's what I mean by looking at the case at
10 an entirety. I mean, who -- who's saying what, and -- and
11 that's why so many people are involved in this case. We
12 talked to so many people. And -- and I just can't eliminate
13 him as a suspect. I just -- I can't.

14 And it comes to the point where so many other
15 people have been brought up, so many theories are out there
16 over 10 years that have grown. And we tried to chase all of
17 those rumors down. A lot of them go into phantom --
18 phantom-type voices where, I don't remember. I don't know
19 where that came from. Some we can chase right back to
20 sources. But the bottom line is that one thing we can do is
21 eliminate a lot of people into except for one.

22 GRAND JUROR: Let's go back just a little bit.
23 Your initial visit to the McGuffins was basically upon their
24 request.

25 THE WITNESS: That is correct.

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1 GRAND JUROR: They asked you that they wanted to
2 talk about the -- what they were accused of, or whatever.
3 And you went to their house and did what you said you
4 would --

5 THE WITNESS: Correct.

6 GRAND JUROR: -- basically?

7 THE WITNESS: I saw Kathy up at the hospital here
8 where she works, and -- let me rephrase that. I saw her at
9 the hospital. I was teaching security classes for their
10 staff up there.

11 I had no idea who Kathy McGuffin was. And I was
12 walking away from teaching the class one day. She followed
13 me out in the parking lot and said, Can I talk to you? I
14 said, Sure. And then she introduced herself as Kathy
15 McGuffin and goes, I know my husband has talked to you and
16 invited you out. You know, I want to -- we would like to
17 spend time with you.

18 I said, I apologize. Based on the fact of our
19 busy-ness here in Coquille, we've had a lot of unexpected.
20 And I said, So I apologize for that, but I really want to
21 come and visit you all too. I said, So, you know, give me a
22 little time to catch up on a few things.

23 And then in October of 2009 I went and visited.
24 I called and said, Hey, can I come out? You bet. So.

25 GRAND JUROR: And then from that, you said that

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1 you would stay in contact, I guess basically if there was
2 anything else to progress with the case.

3 THE WITNESS: Correct.

4 GRAND JUROR: Now, you went to Nick first?

5 THE WITNESS: I went to Nick first. He had --

6 GRAND JUROR: And he called them too, no doubt,
7 before you could get -- okay.

8 THE WITNESS: Yep.

9 GRAND JUROR: And you still had not indicated
10 that he was the suspect?

11 THE WITNESS: Not one time have I ever told the
12 McGuffins that their son was my suspect, or our suspect in
13 this case.

14 GRAND JUROR: Can I ask what -- I don't know if I
15 can ask this either, but I'll ask. (Laughter.)

16 Can you tell us what brought you to eliminate
17 Bill Sero and the other guy who -- Tom --

18 GRAND JUROR: Tom --

19 GRAND JUROR: -- Stemmerman?

20 GRAND JUROR: -- Stemmerman.

21 MR. FRASIER: Go ahead.

22 THE WITNESS: First of all, we had -- we wanted
23 to look at who -- who would have a purpose or a motive to
24 kill Leah. We could find nothing that connects the two with
25 Tom Stemmerman, with Bill Sero. Based on age difference,

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1 number one. Based on statements from other people. There's
2 not one person that we talked to in this investigation that
3 said, Yeah, Leah Freeman hung out with Tom Stemmerman. Leah
4 Freeman hung out with Bill Sero. Nobody ever told us that.
5 So we could never find a motive there. There was nothing
6 there that connected the two. So that was one.

7 Number two was we could find nothing that ever
8 brought them together that night. Nothing that ever put them
9 together, saying they were riding, they were at a party, they
10 were -- not one evidence. Not one person says they ever knew
11 each other or were together, ever. And to include that night
12 they went missing.

13 So we just could not -- and -- and -- you know
14 what I mean? We just eliminated them. Everywhere we went,
15 every theory that was presented. And a lot of theories that
16 were presented came, um -- can I say that? That the --

17 MR. FRASIER: Go ahead.

18 THE WITNESS: The stuff we seized from the
19 McGuffins that our team looked into. And then we were
20 provided some stuff.

21 We actually took that to heart. Being
22 open-minded in this case, I did not want to go in on a closed
23 mind. And -- and we took each lead and ran that down. And
24 each lead took us nowhere. Most of them were like, What are
25 you talking about? I don't know what you're talking about.

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1 That -- who said that?

2 And so there's just nothing there. I mean,
3 there's nothing that I can articulate to the district
4 attorney -- our team couldn't -- that Bill Sero or Tom
5 Stemmerman were connected to them, that has any substance to
6 it. Nothing.

7 GRAND JUROR: Got a little follow-up on that.
8 Kind of my understanding is, at least Tom Stemmerman, I kind
9 of got the impression that, if they were involved, that
10 somehow whoever was involved in the situation ended up taking
11 her and stashing her at Tom Stemmerman's. So he wouldn't
12 have a direct link with her, other than someone got into a
13 jackpot, and brought her there and tried to stash her.

14 Because that was one of the theories, was the --
15 that she's -- his business was conducted in the basement, and
16 then right then it stopped. And he said some fugitive was
17 down there and that's why it stopped down there, and he was
18 hiding this guy out. If I'm just -- you know.

19 THE WITNESS: We -- we went to the lengths of
20 even -- there was a -- another theory out there that she was
21 buried in the shallow behind Stemmerman's house.

22 GRAND JUROR: Mm-hmm.

23 THE WITNESS: We excavated the whole property
24 back there.

25 GRAND JUROR: Mm-hmm.

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1 THE WITNESS: And rooted it out, brought in all
2 kinds of experts, and nothing.

3 GRAND JUROR: Mm-hmm.

4 THE WITNESS: Nothing to show anything.

5 GRAND JUROR: Okay.

6 GRAND JUROR: When did the DOJ get involved and
7 create these time lines?

8 THE WITNESS: DOJ became involved in -- in the
9 latter part of October. No, actually it is -- is -- we had
10 the cold case still in -- in place. Putting it back
11 together. They helped us put it back together with the
12 charts and stuff.

13 And then, as we progressed into the new team, the
14 current investigators, which she -- Lisa, who was super with
15 us, helped put that together. Every time we'd get some new
16 information, we ship it up, she would add it. We'd delete it
17 if we needed to adjust our charts. Whatever was pertinent to
18 what we were investigating.

19 So she's been with us pretty close to the
20 beginning, now that I think about it.

21 GRAND JUROR: The -- we had a witness in earlier
22 that stated she believed she almost hit Leah with her
23 vehicle.

24 And you're familiar with this story, testimony?

25 THE WITNESS: Right.

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1 GRAND JUROR: Down there right by what's now
2 Econo-Rooter. And really in my mind, from all we've heard,
3 that's probably the last sighting of Leah, time-wise, because
4 it was dark. Her timing. So her story -- but -- you can
5 correct me if you have something different on this. But her
6 story would be one of the last sightings of Leah.

7 And from that point on, I'm kind of asking you as
8 a professional, you can't rule out that she saw -- he saw --
9 she -- this lady saw her by herself, or didn't see anyone
10 right by her. That that couldn't have been a ra -- and I
11 hate to put random, just a random abduction. At some point
12 someone else could have -- there could have -- she could have
13 fallen into foul play with just -- with a -- as a random
14 event from that point on either. You couldn't really rule
15 that out. Is that fair to say?

16 THE WITNESS: I don't know if --

17 GRAND JUROR: I know I'm putting you on the spot,
18 kind of. But that's, in my mind -- you guys can correct me,
19 too. That's the last known credible -- and if you want to
20 say credible sighting of her, if that was her.

21 THE WITNESS: I -- the last sightings we have was
22 her at the old Chevron which is now the Shell station.
23 That's -- so --

24 GRAND JUROR: Other than -- I think the --

25 GRAND JUROR: The 90-year-old --

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1 GRAND JUROR: -- the 90 year old would put it
2 later than that.

3 GRAND JUROR: Yeah.

4 THE WITNESS: And again, I can't account for what
5 she's, you know, saying. I -- um.

6 GRAND JUROR: I, I know that, I know that you --
7 we have a -- someone who's not ruled out. But there isn't
8 anything else in that timeframe that says there's --

9 GRAND JUROR: That one of us didn't do it.

10 GRAND JUROR: But --

11 GRAND JUROR: Yeah, right. That's -- yeah.

12 BY MR. FRASIER:

13 Q. I guess what he's asking is that -- can we rule
14 out that a stranger out in the middle of -- that came into
15 Coquille that night abducted Leah, killed her, and then
16 dumped her body?

17 A. I guess I think different, under that. I --
18 being so involved in the case, and you know, it being a
19 circumstantial case, I look at what a reasonable person would
20 believe. And -- and that's why you -- you folks are sitting
21 here today.

22 But based on the totality of evidence and
23 circumstances in this case -- I say evidence based on
24 statements and stuff. That I -- I would have a hard time
25 believing -- when I say hard, difficult for me to even be

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1 reasonable with the -- to understand that somebody abducted
2 her. And then -- I -- based on what I know and the
3 discredits towards Nick McGuffin, I -- I would have a hard
4 time believing that. That's --

5 GRAND JUROR: Now, when you say discredits,
6 that -- that's good. That's something new.

7 When you say discredits towards Nick McGuffin,
8 those are largely based on his statements and the time line?

9 THE WITNESS: His own statements, and as others
10 discrediting him. And based on his unreasonable acts that
11 night.

12 GRAND JUROR: And behavior.

13 THE WITNESS: Behavior, yes. I'm sorry.
14 Behavior.

15 GRAND JUROR: And like the lady in the phone
16 booth was seen -- that coach in the phone booth -- that seen
17 her in the phone booth, she was just -- and I mean all these
18 kids were on drugs, but she was just going about her everyday
19 business on -- on her way home.

20 (Pause.) A lot -- you could see where a lot of
21 kids were scared because they were all -- these were all
22 young kids and they were all on drugs. They were all afraid
23 they'd all be in -- in jail together.

24 MR. FRASIER: Okay. I think we're getting into
25 deliberation now, not questions of the chief, so I think --

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1 GRAND JUROR: Yeah.

2 THE WITNESS: Thank you.

3 MR. FRASIER: That's -- is there anything else
4 you want to ask Chief Dannels?

5 (Pause.) Okay.

6 THE WITNESS: Thank you.

7 GRAND JUROR: Thank you.

8 GRAND JUROR: Thanks for your hard work.

9 THE WITNESS: Uh-huh. Thank you.

10 (Pause in recording.)

11 MR. FRASIER: Swear you back in again.

12 (Laughter.)

13 THE WITNESS: I'm going to stand up. You're
14 making me feel bad, standing up and sitting down.

15 (Witness Dannels sworn again.)

16 BY MR. FRASIER:

17 Q. There was one thing I forgot to ask you, and I
18 need to do it real quick before I run out of tape.

19 Oh, we ran out of tape. (Laughter.)

20 GRAND JUROR: (Indiscernible.) The audio too?

21 MR. FRASIER: Okay.

22 (Indiscernible discussion among grand jurors.)

23 GRAND JUROR: Where in Arizona were you? South
24 of Tucson, you said?

25 THE WITNESS: Sierra Vista.

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1 GRAND JUROR: Sierra Vista. My -- my stepson's
2 an EMT down in Tucson.

3 THE WITNESS: Is he.

4 GRAND JUROR: Been there for quite a while.

5 THE WITNESS: Yeah. Sierra Vista's got Fort
6 Huachuca, the military base.

7 GRAND JUROR: Oh, uh-huh.

8 THE WITNESS: And that's how I got from Illinois,
9 where I grew up, down there. I was in the military for two
10 years.

11 GRAND JUROR: Yeah. That's go -- my wife's going
12 down to Tucson tomorrow.

13 GRAND JUROR: I had a question about Bisbee.

14 THE WITNESS: Yeah, that's --

15 GRAND JUROR: Which canyon did you get?

16 THE WITNESS: For working?

17 GRAND JUROR: Hooker Canyon or -- (Laughter.)

18 GRAND JUROR: Hooker Canyon? Tell us more.

19 GRAND JUROR: Next to Society Canyon.

20 THE WITNESS: You know, I went to the police
21 academy when I was 20 years old, and it was kind of weird
22 because in Arizona, even back in '94 -- it sounds so young.
23 You can go to the police academy at 20, but you had to be 21
24 before you graduated. So -- which I did. But during
25 firearms I couldn't even buy ammunition because I was too

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1 young. I had to have one of the classmates buy me
2 ammunition.

3 So it's amazing, but Bisbee was my first cultural
4 environment. Boy, I'll tell you -- because it's such a
5 diverse town. You got the old Bisbee, which is kind of
6 traditional, you know. And then you got the border side of
7 Bisbee, which is down by the border, and then you got the old
8 town. So it's -- it's a unique town. I mean, I learned a
9 lot there.

10 GRAND JUROR: We came up out of there -- we'd
11 been down to Mexico on a tour, and when we come through
12 there, and of course the road's up there on the edge of the
13 line, you know --

14 THE WITNESS: Right.

15 GRAND JUROR: -- and you look down, and that's
16 when the travel guide says -- you know, he says one canyon
17 was where the house -- all the houses of ill repute were, and
18 the other canyon's the -- the other canyon was where all the
19 nice people lived.

20 GRAND JUROR: Yep. And it's true. It's a very
21 unique town, you know.

22 BY MR. FRASIER:

23 Q. One thing I forgot to ask you. You've gone back
24 and talked to Kristin Steinhoff?

25 A. Yes, I have.

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1 Q. Okay. When she testified, she talked about some
2 pictures she had of Nick, and I asked her if she would turn
3 those over to the police. Did she get those to you?

4 A. Yes. Yesterday at three o'clock.

5 Q. Now, are those the pictures that she gave you?

6 A. Yes, these are copies of the originals --

7 Q. Okay.

8 A. -- that I made.

9 Q. All right. I guess there's been some concern
10 that Kristin's been holding back information, and that you
11 tried to -- well, did you talk with her yesterday, tell her
12 that the grand jury were wrapping up, that type of thing?

13 A. Yes, I did.

14 Q. And is she still insisting she doesn't know
15 anything about what happened?

16 A. Kri -- I've talked to Kristin several times
17 during this investigation, and her and I have had a -- a
18 professional, but dealing relationship. And what I mean by
19 that is she doesn't yell at me; she doesn't, you know, slam
20 doors on me.

21 But one thing she does is we can have a -- a talk
22 kind of like we're just doing a few minutes ago with you all
23 here. But as soon as I get into the hard questions, we call
24 it, about what did you see that night; you know, what were
25 you told that night or what were you involved with that

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1 night, she cries and she shuts down and claims that in
2 fact -- and -- and says, This is -- and she uses the word
3 "BS" all the time.

4 And -- and I've asked her several times, Are you
5 scared? And she says yes. But I can't -- she won't tell me.
6 She won't tell me what happened.

7 GRAND JUROR: So wouldn't that make her a
8 suspect?

9 THE WITNESS: It did go -- very much so.

10 GRAND JUROR: So she wasn't eliminated, then?

11 THE WITNESS: I have nothing --

12 GRAND JUROR: For involvement at least.

13 THE WITNESS: I --

14 GRAND JUROR: Or knowledge.

15 THE WITNESS: Can I speak on that?

16 MR. FRASIER: Sure.

17 THE WITNESS: I -- I have nothing -- and again,
18 goes back to the reasonability of this case and how we
19 credit/discredit people. I can't eliminate her for seeing
20 something or knowing something that night. I have nothing to
21 tie her to Leah either, except for Nick. And her involvement
22 I believe was post Leah's tragedy. Okay.

23 MR. FRASIER: Okay. Any other questions?

24 GRAND JUROR: Yeah, I was just thinking. Right
25 at the end here, we got some information -- the -- the

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1 elderly woman. I -- for better -- I can't run up -- too many
2 names here to remember.

3 But she had said that there was a car they saw,
4 with a couple individuals, perhaps up by where it's now Cedar
5 Point Industrial Park up there. And at the road -- now, the
6 road on that side of town, some people have mentioned that
7 that -- is that, at that time, that was also a normal
8 drug-use area also?

9 GRAND JUROR: The one that goes down into
10 Roseburg Lumber?

11 GRAND JUROR: Cedar Point Road.

12 THE WITNESS: Cedar Point Road. I know the area,
13 but I can't say it was a drug area based on my lack of
14 being here.

15 GRAND JUROR: From that period of time. Okay.

16 THE WITNESS: Excuse me on that.

17 GRAND JUROR: Okay.

18 MR. FRASIER: Okay. Anything else?

19 Okay. Let's try this again.

20 THE WITNESS: Thanks again.

21 GRAND JUROR: Thanks.

22 THE WITNESS: Thank you.

23 (End of recording.)
24
25

Certificate

--oOo--

I certify, by signing below, that the foregoing pages 1
through 152 constitute a correct transcript of WAV files
provided of the above-entitled matter, this 11th day of
April, 2011.

PEGGY S. JILLSON, TRANSCRIBER